



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice January 10, 2018

The Arlington Redevelopment Board will meet Wednesday, January 10, 2018 at 7:30 PM in the **Senior Center, Main Room, 1st Floor, 27 Maple Street Arlington, MA.02476**

1. Continued Public Hearing-Special Town Meeting ARTICLE 1 ZONING BYLAW AMENDMENT/RECODIFICATION

7:30-
9:00p.m.

To see if the Town will vote to recodify, and therefore amend the Zoning Bylaw to make the Bylaw easier for users to navigate, simplify and update its language, and provide a better structure for predictability and flexibility in both the interests of current use and future adaptability, by:

1. Re-organizing, re-positioning, re-captioning and re-numbering portions of the Zoning Bylaw to enhance accessibility and adaptability;
2. updating and clarifying the purpose and authority of the Zoning Bylaw to clearly state the Town's legal and factual premises for zoning regulations;
3. improving definitions to more clearly describe zoning districts, uses, and requirements;
4. providing greater consistency with present State law;
5. eliminating redundant or unnecessary provisions; making amendments such as correcting spelling and typographical errors, and eliminating or updating outdated statutory references;
6. revising, re-organizing and clarifying Zoning Bylaw administrative provisions; and
7. making other amendments for clarification and consistency;

and by taking the following actions:

1. Deleting in their entirety the following provisions and all their subparts of the existing Zoning Bylaw:

Article 1: Title, Authority, and Purpose;

Article 2: Definitions;

Article 3: Establishment of Districts;

- A brief introductory presentation will be provided. Board members and members of the public will be provided time to ask questions and comment.
- Board members may ask additional questions and/or vote.

Article 4: Interpretation and Application;
Article 5: Use Regulation;
Article 6: Dimensional and Density Regulations;
Article 7: Signs
Article 8: Off-Street Parking and Loading Regulations;
Article 9: Nonconforming Uses, Structures, and Lots;
Article 10: Administration and Enforcement;
Article 11: Special Regulations;
Article 12: Amendment, Validity, and Effective Date;
and

2. Substituting the following provisions and their subparts in the document entitled "Proposed Amended Zoning Bylaw, dated December 14, 2017" on file in the office of the Town Clerk and the Department of Planning and Community Development:

- Section 1 Purpose and Authority;
- Section 2 Definitions;
- Section 3 Administration and Enforcement;
- Section 4 Establishment of Districts;
- Section 5 District Regulations;
- Section 6 Site Development Standards;
- Section 7 Special Permits;
- Section 8 Special Regulations;

3. And by taking any action related thereto. (Inserted at the request of the Arlington Redevelopment Board)



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ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Hearing_Draft_12-14-17_for_ARB_Public_Hearing_FINAL.pdf	December 14, 2017 Hearing Draft
▢ Reference Material	Hearing_Draft_121417_with_track_changes_made_011018.pdf	Hearing Draft dated December 14, 2017 with track changes
▢ Reference Material	Amended_Zoning_Bylaw_with_track_changes.pdf	Zoning Recodification Working Group Amended Zoning Bylaw with track changes
▢ Reference Material	Citizen_Comment_1.pdf	Citizen Comment 1
▢ Reference Material	Citizen_Comment_2.pdf	Citizen Comment 2
▢ Reference Material	1.3.18_Memo_to_ARB_re_Zoning_Recodification_Proposal.pdf	Correspondence
▢ Reference Material	Attachments_to_Memo_re_Zoning_Recodification_Proposal.pdf	Correspondence
▢ Reference Material	Letter_of_Support_from_Master_Plan_Implementation_Committee.pdf	Correspondence

TOWN OF ARLINGTON

MASSACHUSETTS 02476
781 - 316 – 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT



HEARING DRAFT

PROPOSED REVISION OF THE ARLINGTON ZONING BYLAW

December 14, 2017

HEARING DRAFT

December 14, 2017

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SECTION 1. PURPOSE AND AUTHORITY

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

1.2 PURPOSES

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

1.3 AUTHORITY

This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A, as amended.

1.4 APPLICABILITY

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

1.5 AMENDMENT

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, Section 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all abutters of the land referred to in the petition.

1.6 SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

SECTION 2. DEFINITIONS

In this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words “used” or “occupied” include the words “designed,” “arranged,” “intended,” or “offered,” to be used or occupied; the words “building,” “structure,” “lot,” “land,” or “premises” shall be construed as though followed by the words “or any portion thereof”; and the word “shall” is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

Accessory Use: A use that is incidental and subordinate to, and customarily associated with, that of the primary structure or use of land and that is located on the same lot and under the same ownership.

Adult Day Care: A facility providing non-residential social, supportive, or health services, dementia services, or any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.

Adult Uses: All uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

Definitions Associated with Affordable Housing

Affordable Units: Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.

Area Median Income: The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the U.S. Department of Housing and Urban Development (HUD).

Eligible Household: For ownership units, a household whose total income does not exceed 80% of Area Median Income, adjusted for household size. For rental units, a household whose total income does not exceed 70% of Area Median Income, adjusted for household size.

Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program, adjusted for unit size and with an allowance for utility costs.

Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Arlington Redevelopment Board: The Arlington Redevelopment Board (“ARB”) which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

Artisanal Fabrication: Production of goods using hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

Assisted Living Residence: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.

Athletic Facility, Indoor: A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities.

Attic: An unfinished, non-habitable space immediately below the roof of a building, typically used for storage or mechanical equipment.

Definitions Associated with Auto Uses

Auto Body Shop: A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.

Auto Repair Shop: A facility for the general repair of automobiles, motorcycles or noncommercial trucks, including rebuilding, or reconditioning of engines, and the sale, installation, and servicing of equipment and parts.

Auto Service Station: A building, structure or land use primarily for the dispensing or sale of automotive fuels, oils or accessories, including lubrication or automobiles and replacement or installation of parts and accessories.

Awning: A roof-like covering stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building.

Bed and Breakfast: A dwelling with a resident owner or manager in which lodging units are rented and breakfast is served to the people occupying the lodging units.

Definitions Associated with Building

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building or an adjacent lot in the same ownership.

Building Area: The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage: The building area expressed as a percentage of the total lot area.

Building, Detached: A building with no structural connection to another building.

Building, Front Building Line: A line drawn parallel to the front boundary of a lot along the front face of a building or through the point on a building closest to the front boundary.

Building Height: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. Refer to Sections 5.3.19 and 5.4.2.B(5) for detailed exceptions.

Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)

Building, Setback Line: The line beyond which a building shall not extend, except as specifically provided by this Bylaw.

Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

Catering Service: Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building.

Certificate of Occupancy: A statement under the State Building Code signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Child Care Center: A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L. c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

Commercial Vehicle: Any truck, including but not limited to step vans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional

affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

Common Land: A parcel or parcels of outdoor space in a Planned Unit Development, maintained and preserved for outdoor uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

Conservation Land: A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

Consumer Service Establishment: Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, or small appliance repair.

Definitions Associated with Court

Court: An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

Court, Inner: A court surrounded on all sides by the exterior walls of a structure.

Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

Deck: A roofless outdoor space built as an above-ground platform projecting from the wall of a building and connected by structural supports at grade or adjacent to the building structure.

District: A zoning district as established by Section 4 of this Bylaw.

Driveway: An area on a lot, not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.

Definitions Associated with Dwelling

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms

"single-family," "two-family," "duplex", "three-family" or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, or mobile home.

Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Multi-family Dwelling: A building containing 4 or more dwelling units.

Single-Family Dwelling. A house containing only one dwelling unit.

Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term "single-room occupancy building" shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

Three-Family Dwelling: A building containing three dwelling units.

Townhouse Structure: A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

Two-Family Dwelling: A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

Enclosed Entrance (or Vestibule): Anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or leading into a larger space in a nonresidential building such as an entrance hall or interior common area.

Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

Essential Services: Services provided by a public utility or governmental agency through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

Family or Household: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further

including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a household.

Farm (or Agriculture): As defined in G.L. c. 128, § 1A.

Flood Map: A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.

Floodway: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined by FEMA or a licensed professional acceptable to the Conservation Commission.

Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.

Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

Funeral Home: A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.

Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

Gross Floor Area: The sum of the horizontal areas of the several stories of a building or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Refer to Section 5.3 for formula.

Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed 20 feet in height.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include retail sale of merchandise on the premises nor alter the residential character of the lot or building.

Hospital: An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel/Motel: A building in which lodging is offered for compensation, with or without associated amenities.

Inspector of Buildings: Inspector of Buildings (“Building Inspector”), Arlington, Massachusetts.

Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.

Definitions Associated with Lot

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.

Lot, Interior: A lot, the side lines of which do not abut on a street.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw. (See also Nonconformance)

Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Manufacturing, Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.

Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.

Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

Mixed Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

Nonconformance: A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.

Definitions Associated with Office

Office, Business or Professional: A building or portion of a building used to provide services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term “Office,

business or professional” shall not include medical offices for a physician, dentist, or other health care professionals. (See “Office, Medical or Clinic”.)

Office, Medical or Clinic: A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. “Office, Medical or Clinic” shall not include a hospital.

Definitions Associated with Open Space

Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6.

Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than 33.3% of the roof area.

Personal Service Establishment: Retail establishments primarily engaged in providing individual services generally related to personal needs such as but not limited to a

barber shop, hair salon, nail salon, drop-off/pick-up dry cleaning business or self-serve laundry, tailor, or shoe repair shop.

Phased Development: A development on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the development.

Planned Unit Development: A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate one or more land uses.

Porch: A covered area projecting from and structurally connected to a building.

Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
- b. **Pick-Up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. **Motorized Camper:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

Research and Development: An establishment used primarily for research, development, or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Definitions Associated with Restaurants

Restaurant: An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

Restaurant, Drive-In Food Service: A fast-order food service establishment that provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.

Restaurant, Fast-Order Food: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Right-of-Way: The line determining the public limit or ownership on a street or highway.

Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded in Section 5.

Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

Shed: A small accessory structure used for the storage of tools or equipment.

Definitions Associated with Signs

Sign: Any structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, including illuminated signs within a window. Awnings, marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of Section 6.2.

Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage: The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign, Awning: A sign applied directly to or incorporated as part of an awning.

- Sign, Bracket:** A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.
- Sign Canopy:** Roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.
- Sign, Facing or Face:** The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.
- Sign, Freestanding:** A sign not a part of or attached to any building but generally located elsewhere on a lot.
- Sign, Ground:** A free-standing sign located on or close to the ground, the top of which shall not be higher than 4 feet above the ground.
- Sign, Permanent:** Any sign as defined above, intended to be erected and maintained for more than 60 days.
- Sign, Portable:** A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.
- Sign, Projecting:** Any sign which is attached to a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned
- Sign, Roof:** Any sign erected, constructed and maintained upon or over the roof of any building.
- Sign, Standing or Pole:** A free-standing sign not exceeding 15 feet in height with 8 feet of clearance under the sign area and erected upon supporting devices or stands.
- Sign, Temporary:** Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed 60 days.
- Sign, Wall:** A sign not exceeding 4 feet in height securely affixed to a wall projecting no more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: 25 feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.
- Sign, Primary Wall:** A sign on the building face fronting on a street or parking lot frontage.
- Sign, Secondary Wall:** A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed 50% of the maximum possible area of the primary wall sign.

Signs, Window: Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25% of the area visible from the exterior of the building.

Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, and in accordance with provisions of Section 3 of this Bylaw.

Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this Bylaw, the Arlington Redevelopment Board.

Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed a story when its ceiling is 4 feet 6 inches or more above the finished grade. A cellar shall not be deemed a story. An attic shall not be deemed a story if unfinished and not used for human occupancy.

Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet 3 inches or more.

Street: A public or private way which is 27 feet or more in right-of-way width, accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, bin, fence, sign, shed, or the like.

Tract: A unit or contiguous units of land under single ownership or control.

Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable because its wheels have been removed or skirts have been attached, shall not be considered a building in this Bylaw.

Definitions Associated with Use

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied, or maintained under this Bylaw.

Use, Substantially Different: A use which because of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment, or similar characteristics from the use to which it is being compared.

Variance: A departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and G.L. c. 40A, § 10.

Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Definitions Associated with Yard

Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Arlington, Massachusetts ("Board of Appeals" or "ZBA").

SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING INSPECTOR; ENFORCEMENT

- A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the interpretation and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector.
- C. No premises and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.

3.1.2. Enforcement.

- A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation, as provided in G.L. c. 40A, § 7. If upon investigation and inspection the Building Inspector finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at the address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.
- B. If after notice and demand the violation has not been abated within the time set by the Building Inspector, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation.
- C. If the Building Inspector determines that there is no violation, the Building Inspector shall give written notice of the decision to the complaining person within 14 days after the receipt of such request.

3.1.3. Appeal

An appeal to the Board of Appeals may be taken by any person aggrieved due to inability to obtain a permit or enforcement action from the Building Inspector, as provided in G.L. c. 40A, § 8, as amended.

3.1.4. Penalty.

- A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, Section 21D, institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense.
- B. The Building Inspector may, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

3.2 ZONING BOARD OF APPEALS

3.2.1. Establishment.

There shall be a Zoning Board of Appeals (“Board of Appeals”) consisting of five members and two associate members appointed by the Board of Selectmen. All members of the Board shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

3.2.2. Powers.

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
- B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.
- C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 5.5.
- D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
- E. To hear and decide applications for comprehensive permits for construction of low or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.

3.2.3. Rules and Regulations

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board’s regulations shall include rules for hiring outside consultants.

3.2.4. Fees

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with its review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations, in accordance with G.L. c. 44, § 53G and § 53G-1/2.

3.2.5. Repetitive Petitions

No appeal, or petition for a variance from the terms of this Bylaw denied by the Board of Appeals, or special permit denied by either the Board of Appeals or Arlington Redevelopment Board shall be considered again on its merits within two years from after the date of denial action except under the following circumstances:

- A. At least all but one member of the Arlington Redevelopment Board votes to allow the refile of the application, and
- B. The Board that denied the initial application then finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based.

3.3 SPECIAL PERMITS

3.3.1. Special Permit Granting Authority

In this Bylaw, the Board of Appeals and Arlington Redevelopment Board have the power to grant special permits. The appropriate special permit granting authority is specifically designated where applicable.

3.3.2. Procedures

- A. Application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.
- B. Public Hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue and file a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

3.3.3. Decision Criteria

Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:

- A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

- B. The requested use is essential or desirable to the public convenience or welfare.
- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.
- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

3.3.4. Special Permit Conditions

Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:

- A. Dimensional standards more restrictive than those set forth in Section 7 of this Bylaw;
- B. Screening buffers or planting strips, fences, or walls;
- C. Modification of the exterior appearance of the structures;
- D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;
- E. Limitations on signage, noise, or hours of operation of construction equipment;
- F. Regulation of number and location of driveways, or other traffic features;
- G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;
- H. Deadline to commence construction;
- I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;
- J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;
- K. Limitation on the term or duration of a special permit, with or without automatic renewals, to the extent allowed by law;

- L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

3.3.5. **Recording; Lapse**

- A. Special permits or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.
- B. Special permits shall lapse within three years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

3.4 **ENVIRONMENTAL DESIGN REVIEW**

3.4.1. **Purposes**

The purpose of Section 3.4 is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1.

3.4.2. **Applicability**

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and c) is one of the uses listed below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

- A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.
- B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, to be constructed within a two-year period.
- C. Gasoline service stations.
- D. Single-room occupancy building or bed and breakfast, with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

- E. Nonresidential uses and hotels/motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- G. Mixed-Use
- H. Outdoor uses.
- I. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.
- J. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- K. Parking in the Open Space District.
- L. Medical Marijuana Treatment Center.
- M. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

3.4.3. **Procedures**

- A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.
- D. A favorable decision by the Board shall require the votes of at least four members.
- E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse

impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.

3.4.4. Environmental Design Review Standards

The following standards shall be used by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards in order to administer this Section 3.4, and maintain those guidelines on file with the Department and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

- A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
- C. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
- D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- E. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion

control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

- F. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
- G. Advertising Features, subject to the provisions of Section 6.2 below. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- H. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- I. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
- J. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- K. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

- L. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED[®]) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED[®] performance objectives will be incorporated into the project.

SECTION 4. ESTABLISHMENT OF DISTRICTS

4.1 DISTRICTS

For purposes of this Bylaw, the Town of Arlington is divided into the following districts:

4.1.1. Use Districts

A. Residential

- (1) Residence 0 (R0)
- (2) Residence 1 (R1)
- (3) Residence 2 (R2)
- (4) Residence 3 (R3)
- (5) Residence 4 (R4)
- (6) Residence 5 (R5)
- (7) Residence 6 (R6)
- (8) Residence 7 (R7)

B. Business

- (1) Business 1 (B1)
- (2) Business 2 (B2)
- (3) Business 2A (B2A)
- (4) Business 3 (B3)
- (5) Business 4 (B4)
- (6) Business 5 (B5)

C. Other Districts

- (1) Industrial (I)
- (2) Multi-Use (MU)
- (3) Planned Unit Development (PUD)
- (4) Transportation (T)
- (5) Open Space (OS)

4.1.2. Overlay Districts (Reserved)

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington" (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

4.2.1. Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

- A. Where a boundary is indicated as a street, alley, railroad, transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined using the scale shown on the Zoning Map.
- C. Where a dimensioned boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- E. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.
- F. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."
- G. Whenever any uncertainty exists as to the exact location of a boundary line, the interpretation made by the Inspector of Buildings shall control pending appeal.

SECTION 5. DISTRICT REGULATIONS

5.1 GENERAL PROVISIONS

No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

5.2 USE REGULATIONS APPLICABLE IN ALL DISTRICTS

5.2.1. Permitted in All Districts

The following uses are permitted in all districts:

- A. Federal government use.
- B. Property of the Commonwealth to the extent exempt from local zoning under state law.
- C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

5.2.2. Prohibited Uses

- A. Any use not listed in the Tables of Uses for various districts in Section 6 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

5.2.3. Accessory Uses

An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

5.3 DIMENSIONAL REGULATIONS APPLICABLE IN ALL OR MULTIPLE DISTRICTS

5.3.1. Lot Area Per Dwelling Unit

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

5.3.2. Reduction of Lot Areas and Separation of Lots

- A. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Bylaw, nor may these areas include any property of which the ownership has been transferred after the effective date of this Bylaw if the property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- B. Lots separated or transferred in ownership must upon transfer either comply with the provisions of this Bylaw or be deemed noncompliant.

5.3.3. Spacing of Residential and Other Buildings on One Lot

- A. Where two or more main buildings to be used as dwellings are proposed for construction on property in one ownership or where one or more of the buildings are proposed on land where there are one or more existing residential buildings, the required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. However, the Board of Appeals or, for projects requiring Environmental Design Review, the Arlington Redevelopment Board, may grant a special permit to modify the yard dimensions between buildings designed and intended to remain under common ownership and management where it is demonstrated that there will result light and air of a standard no lower than would result from compliance with either Board's minimum requirements.
- B. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a mixed-use building with commercial uses on the ground floor and residential uses above), each building shall be independently provided with all required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.

5.3.4. Spacing of Nonresidential Buildings on the Same Lot

- A. Where two or more main buildings for nonresidential uses are proposed for construction on property in one ownership, the minimum required front, side, and rear yards shall be met only at lot lines abutting other property.
- B. For buildings in educational or religious use, the maximum floor area ratio requirements shall be less restrictive than as specified for the district in the following respects:
 - (1) Where several lots in one ownership and in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all lots may be aggregated in calculating floor area ratio.
 - (2) The maximum floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50%.

The Board of Appeals or Arlington Redevelopment Board, as applicable, may approve further modifications in the district's dimensional requirements to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

5.3.5. Land Area Included in Calculation of Floor Area Ratio

Land area to be included in calculating the maximum floor area shall include all contiguous lots under one ownership located in zoning districts with the same or greater maximum floor area ratio. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

- A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:
- (1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.
 - (2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.5 are satisfied.
 - (3) Nonresidential properties listed as contributing structures in National Register Historic Districts shall be allowed an increase in floor area ratio up to a maximum of 2.6 by special permit.
- B. To aid the special permit granting authority in making the required findings, the applicant shall submit the materials required by 3.4 in addition to the usual drawings at the time of application.
- C. The additional gross floor area granted in accordance with this Section 5.3.5 shall not exceed the following percentages of the gross floor area permitted in the applicable district except for buildings in Subsection C above.

	R7, B5 Districts	R6, B2A, B4 Districts
Maximum Allowable:	33%	25%
Each Condition:		
Large lot	25%	20%
Low or moderate income	25%	20%
Extra open space	15%	10%
Public access	15%	10%
Preservation of landmarks	15%	10%
Large dwelling units	10%	5%

- D. The special permit granting authority may approve additional gross floor area where any of the following conditions apply, subject to the limitations in Subsection C and in accordance with the goals of the Arlington Master Plan. The additional gross floor

area shall be calculated separately for each condition based upon the gross floor area permitted in the applicable district.

- (1) For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio for the district by one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.
- (2) Where dwelling units are affordable housing units, the gross floor area for each affordable unit may be allowed in excess of the gross floor area for the district.
- (3) Where landscaped open space or usable open space is provided in excess of the minimum required in the district, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of either kind of open space in excess of the minimum requirements. The minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.
- (4) For a dwelling with an average gross floor area per dwelling unit more than 1,100 square feet, excess gross floor area may be allowed above the maximum for the district. Any gross floor area to be used for offices or other nonresidential principal use shall not be included in calculating the average gross floor area per dwelling unit.
- (5) When usable land is deeded or an easement granted for public access and use, additional gross floor area may be allowed at the ratio of 10 square feet of gross floor area to one square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.
- (6) When architecturally or historically significant buildings, as listed in the “Inventory of Historically or Architecturally Significant Properties in the Town of Arlington”, are preserved, additional gross floor area may be allowed at the rate of eight square feet of gross floor area to each one square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

5.3.7. Screening and Buffers: Industrial and Business Districts and Parking Lots

- A. Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft
B3, B2A, B4	R0 through R5	25 ft
I	R6 through R7	10 ft
B1, B2	R0 through R5	10 ft

The strip shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

- B. For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.

5.3.8. Corner Lots and Through Lots

- A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
- B. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

5.3.9. Projections into Minimum Yards

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.
- B. Unenclosed steps, an unroofed porch and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, unroofed porches and the like which do not project more than 10 feet into the required rear yard

and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built

- C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

5.3.10. Average Setback Exception to Minimum Front Yard; All R Districts

Where the required lot frontage of developed residential lots along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

5.3.11. Dimensional Requirements for Courts

Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard in the district shall be provided between the wings, but not less than 25 feet.

5.3.12. Traffic Visibility

- A. Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.
- B. Visibility for Driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

5.3.13. Accessory Underground Structures

- A. Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where landscaped open space is required, no underground structure or building shall be located beneath more than 50% of the required landscaped open space, nor nearer to any lot line for more than 75% of the length of the lot line.

5.3.14. Yards for Townhouse Structures

- A. One townhouse structure shall be separated from the end of another townhouse structure by a distance not less than two times the minimum side yard of the district in which the site is located.
- B. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less

than the sum of the minimum front and rear yards specified for the district in which they are located.

5.3.15. Buildings of Uneven Height or Alignment

- A. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either $(H^1 + L^1)/6$ or $(H^2 + L^2)/6$ whichever is greater, where:

H^1 = the height of the taller portion of the building;

H^2 = the height of the lower portion of the building;

L^1 = the length of the taller portion of the building; and

L^2 = the entire length of the building.

Where the formula $10 + L/10$ applies, L shall be defined as L^2 above.

- B. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be $(H + L^1)/6$ for the portion of the building nearer the lot line; and $(H + L^2)/6$ for the portion of the building further from the lot line, where:

H = the height of the building;

L^1 = the length of the portion of the building nearer the lot line; and

L^2 = the entire length of the building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 + (L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

- C. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

- (1) Where the taller part of the building is nearer to the lot line required yards and setbacks shall be $(H^1 + L^1)/6$ for the portion of the building nearer to the lot line; and $(H^2 + L^2)/6$ for the portion of the building further from the lot line, where:

H^1 = the height of the taller part of the building;

H^2 = the height of the lower part of the building;

L^1 = the length of the taller part of the building; and

L^2 = the entire length of the building.

- (2) Where the formula $10 + (L/10)$ applies, required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 +$

- $(L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.
- (3) Where the taller part of the building is further from the lot line, required yards and setbacks shall be $(H^1 + L^2)/6$ for the portion of the building further from the lot line; and $(H^2 + L^1)/6$ for the portion of the building nearer the lot line, where:
- H^1 = the height of the taller part of the building;
- H^2 = the height the lower part of the building;
- L^1 = the length of the lower part of the building; and
- L^2 = the length of the entire building.
- Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 + (L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

5.3.16. Yards or Setbacks for Lots Adjoining a Street or Public Open Space

In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

5.3.17. Upper-Story Building Step Backs

For buildings more than three stories in height, an additional 7.5-foot step-back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys.

5.3.18. Balconies and Roof as Portion of Usable Open Space

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50% of the usable open space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

5.3.19. Reduced Height Buffer Area

- A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within 200 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 feet
Southerly, between southeast and southwest	Within 100 feet

5.3.20. Maximum Height Exceptions

In any district, the maximum height limitations shall not apply to the following:

- A. Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings;
- B. Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building;

5.3.21. Supplemental Requirements in the Business and Industrial Districts

- A. Screening and Buffers: Industrial and Business Districts and Parking Lots

- (1) Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft
B3, B2A, B4	R0 through R5	15 ft
I	R6 through R7	10 ft
B1, B2	R0 through R5	10 ft

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence.

- (2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.
- B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.

- C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required.
- D. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2, the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

5.4 RESIDENTIAL DISTRICTS

5.4.1. Districts and Purposes

The Town of Arlington has established eight residential districts to accommodate a variety of single-family, two-family, duplex, three-family, and multi-family apartment dwellings, as well as offices in some cases, in locations that are appropriate for the permitted uses and density of development. The boundaries of the districts are as shown on the Zoning Map.

- A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.
 - (1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (3) R2: Two-Family District. The predominant use in R2 is a two-family dwelling or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
- B. R3 and R4. The R3 and R4 districts are established residential areas in or adjacent to the commercial centers along Broadway and Massachusetts Avenue.
 - (1) R3: Three-Family District. The predominant use in the R3 district is a three-family dwelling. It is the Town's intent that no businesses will be located in the R3 district. The Town discourages uses that would detract from the small-scale multifamily residential character of these neighborhoods, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

- (2) R4: Town House Districts. The predominant uses in the R4 district are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.
- C. R5, R6, and R7. The R5, R6, and R7 districts are apartment districts in which a variety of uses and different densities of development are allowed. for median-density (R6) and high-density (R7) residential development. Most of these districts are along Massachusetts Avenue and Pleasant Street, primarily within or adjacent to Arlington Center.
 - (1) R5: Apartment District/Low Density. The predominant use is two- to three-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
 - (2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to four stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.
 - (3) R7: Apartment District/High Density. The High-Density Apartment District accommodates apartments up to five stories high and offices of a similar scale. The Town discourages uses that would detract from the desired character of these areas, such as large-scale retail uses, or otherwise interfere with the intent of this Bylaw.

5.4.2. Dimensional and Density Requirements

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

N/A	Not applicable
Sq.ft.	square feet
ft	feet
L	length
H	height
W	width
ROW	right-of-way
SP	special permit

A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

Minimum Requirement

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R0	9,000	-----	75
R1, R2	6,000	-----	60
R3		-----	60
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling; or other permitted structure except townhouse	5,000	-----	45
Townhouse structure	-----	2,500	45
R4			
Single-family detached dwelling, two-family dwelling, duplex house	6,000	-----	60
Three-family dwelling	7,500	-----	70
Townhouse structure	30,000	2,500	100
Apartment conversion	12,500	2,500	80
Nursing home, dormitory, or lodging house conversion	20,000	-----	100
Any other permitted structure	6,000	-----	60
R5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	-----	60
Townhouse, apartment building	20,000	1,450	100
Other permitted structure	6,000	-----	60
R6			
Single or two-family dwelling, duplex house, three-family dwelling	5,000	-----	45
Townhouse structure, apartment house, or office structure	20,000	700	100
Other permitted structure	6,000	-----	60
R7 Any permitted principal structure	20,000	550	100

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
R0, R1, R2	25	10	
Rear (lot depth 100 ft. or more)			20
Rear (lot depth <100 ft.)			20% lot depth
R3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling; or other permitted structure except townhouse	10	One side: min. 10 Sum of two sides: min. 16	20
Townhouse structure	10	10	20
Accessory buildings and garage structures	10	6	6
R4			
Single-family detached dwelling, two-family dwelling, duplex house	25	10	20
Three-family dwelling	25	10	20
Townhouse structure	25	15	25
Apartment conversion	25	10	20
Nursing home, dormitory, or lodging house conversion	25	25	25
Any other permitted structure	25	15	20
Accessory buildings and garage structures	25	6	6
R5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse, apartment building	15	$10 + (L/10)$	25
Other permitted structure	20	20	20
Accessory buildings and garage structures	20	6	6
R6			
Single or two-family dwelling, duplex house, three-family dwelling	10	One side: min. 10 Sum of two sides: min. 16	20
Townhouse structure, apartment house, or office structure	$15 + (H/10)$	$(H+L)/6$	$(H+L)/6$
Other permitted structure	20	10	20
Accessory buildings and garage structures	20	10	10
R7			
Any permitted principal structure	$15 + (H/10)$	$(H+L)/6$ At least 20'	$(H+L)/6$ At least 20'
Accessory buildings and garage structures		20	20
Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.14 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.			

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R0			
Any permitted structure	10%	30%	35%
R1, R2			
Permitted residential structure	10%	30%	35%
Any other permitted structure	30%		
R3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling; or other permitted structure except townhouse	10%	30%	-----
Townhouse structure	10%	30%	-----
Any other permitted structure	30%	-----	-----
R4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	35%
Townhouse structure	10%	30%	-----
Apartment conversion	10%	30%	35%
Nursing home, dormitory, or lodging house conversion	30%	-----	-----
Any other permitted use	30%	-----	-----
R5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	-----
Townhouse, apartment building	10%	30%	-----
Other permitted structure	30%	-----	-----
R6			
Single or two-family dwelling, duplex house, three-family dwelling	10%	30%	-----
Townhouse structure, apartment house, or office structure	10%	25%	-----
Other permitted structure	10%	-----	-----
R7			
Any permitted principal structure	10%	15%	-----

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1			
Single Family detached dwelling	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R2			
Single family detached dwelling, two-family dwelling or duplex house	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R0, R1, R2	7	-----	
Minor accessory building (80 sq. ft. or less)			
Accessory structures (Over 80 sq. ft.) and Private Garages	20	-----	
R3			
Principal building or structure	35	3	0.75
Detached accessory structure (>80 sq. ft.)	20	2	
Detached accessory structure (<= 80 sq. ft.)	7	1	
R4			
Single-family detached dwelling, two-family dwelling, duplex house	35	2 ½	-----
Three-family dwelling	35	3	-----
Townhouse structure	35	3	0.70
Apartment conversion	40	3	-----
Nursing home, dormitory, or lodging house conversion	35	3	-----
Any other permitted structure	35	3-2 ½	0.35
Detached accessory structure (>80 sq. ft.)	20	2	-----
Detached accessory structure (<= 80 sq. ft.)	7	1	-----
R5			
Any residential or other principal structure	35	3	0.80
Detached accessory structure (>80 sq. ft.)	20	2	N/A
Detached accessory structure (<= 80 sq. ft.)	7	1	N/A
R6			
Principal building or structure	35	3	0.8
Townhouse, apartment house, or office on more than 20,000 sq. ft.	40	4	
	35	3	
Detached accessory structure (>80 sq. ft.)	20	2	
Detached accessory structure (<= 80 sq. ft.)	7	1	
R7			
Any permitted principal structure	40 / 60	5	1.50

B. Exceptions to Minimum Lot Area, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.

- (1) The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If a building permit for construction was not issued prior to August 28, 1975, the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:
 - The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
 - The lot was not held in common ownership with any adjoining land, and
 - The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
 - The minimum open space requirements of this section are satisfied.
- (2) Exemption for particular streets. The following shall apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street if shown on separate subdivision plans recorded with the Registry of Deeds prior to August 28, 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot.
- (3) RO District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.
- (4) Minimum Lot Width Exceptions. The minimum lot width of 50 feet shall not apply to (i) any lot excepted under Section 5.4.2(B)(3) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.
- (5) Calculation of Building Height. On a lot with a slope more than 5%, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.
- (6) Large Additions. No alteration or addition which increases the gross floor area of a building by 750 square feet or more, or by 50% or more of the building's gross floor area on the date of application for a permit or because of

cumulative alterations or additions during the previous two years, shall be allowed unless:

- The addition is constructed entirely within the existing foundation, or
- The Board of Appeals finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.

5.4.3. Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Six or more single family dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP	SP	SP
Two-family dwelling, duplex			Y	Y	Y	Y	Y	Y
Six or more units in two-family dwellings or duplexes on one or more contiguous lots			SP	SP	SP	SP	SP	SP
Three-family dwelling				SP	SP	SP	SP	SP
Townhouse				SP	SP	SP	SP	SP
Apartment building						SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					SP	SP		
Licensed lodging house				SP	SP	SP	SP	SP
Single-room occupancy building				SP	SP	SP	SP	SP
Group home	Y	Y	Y	Y	Y	Y	Y	Y
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Assisted living residence							SP	
Dormitory (Note: permitted if associated with an educational or religious use)			SP	SP	SP	SP	SP	SP
Conversion to apartment at a maximum density of 18 dwelling units per acre with no exterior alteration				SP	SP			
Conversion of one or two-family structure to licensed bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Institutional, Educational								
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: permitted if associated with an educational or religious use.)	SP	SP	SP	SP	SP	SP	SP	SP
Nonprofit, members-only private club or lodge				SP		SP	SP	SP
Nursing home, rest home,	SP	SP	SP	SP	SP	SP	SP	SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
convalescent home								
Town or nonprofit cemetery, mausoleum, or crematorium	SP	SP						
Library, museum, or art gallery open to the public and not conducted as a private gainful business. <i>(Note: permitted if associated with an educational or religious use.)</i>	SP	SP	SP	SP	SP	SP	SP	SP
Agricultural								
Farm on less than 5 acres unless otherwise exempt under G.L. c. 40A, §3, and without livestock or poultry, or market garden provided that all goods or produce sold are grown on the premises.	Y	Y	Y	Y	Y	Y	Y	Y
Public, Recreational, Entertainment								
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business	SP	SP	SP	SP	SP	SP	SP	SP
Municipal or non-profit recreation building				Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP	SP	SP	SP	SP	SP
Fire station				Y	Y	Y	Y	Y
Police station				Y	Y	Y	Y	Y
Town office building				Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities				SP	SP	SP	SP	SP
Utility, Transportation, Communications								
Essential services	SP	SP	SP	SP	SP	SP	SP	SP
Radio or television studio or receiving facility; no wireless transmitting facilities							Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP						
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP	SP	SP
Commercial off-street parking area or structure for the parking or storage on a fee basis of automobiles and light commercial vehicles with a rated capacity of 1 ton or less provided no repairs, servicing or sale of gasoline is carried out on the premises							SP	SP
Non-residential parking lot serving a business use located in and entered	SP	SP	SP	SP	SP	SP	SP	SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
from an adjoining B3 or B5 district, provided that:								
<ul style="list-style-type: none"> No business, sales, service, or loading operations are performed on the lot, and The lot complies with the screening provisions of Section 6.1. 								
Residential surface parking lot serving residential uses in another district provided that:	SP	SP	SP	SP	SP	SP	SP	SP
<ul style="list-style-type: none"> The lot used for parking abuts the residential property it serves for at least 50 ft.; and Both lots are under common ownership; and The parking lot complies with the screening provisions of Section 6.1. 								
Wireless Communications Facility								
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP			SP	SP	SP
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building						SP	SP	SP
In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building	SP	SP			SP			
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y	Y	Y
Personal, Consumer and Business Services								
Funeral Home						SP	SP	SP
Eating & Drinking Establishments								
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more								SP
Retail								
Retail, general, with more than 3,000 sq. ft. of gross floor area								SP
Retail, local, with less than 3,000 sq. ft. of gross floor area								SP
Office Uses								
Business, professional or medical offices								
<ul style="list-style-type: none"> Less than 3,000 sq. ft. gross floor area per building 					SP	SP	Y	Y

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
• 3,000 sq. ft. or more gross floor area per building							SP	SP
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with at least 50 foot right-of-way					SP	SP	Y	Y
Commercial Entertainment, Amusement, Assembly Uses								
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP		
Research, Laboratory, Related Uses								
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area						SP	SP	SP
Light Industry								
Research & development								SP
Accessory Uses								
Renting of up to three rooms	SP	SP	SP	SP	SP	SP	SP	SP
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard	Y	Y	Y	Y	Y	Y		
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y	Y	Y
Home occupation <i>Note: Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.8.</i>	Y	Y	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP		
Accessory retail, office, or consumer service use in an apartment dwelling over 20,000 sq. ft. in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building							SP	Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building							SP	SP
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y	Y	Y
The storage or keeping of not more than one commercial vehicle:								

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	SP	SP	SP	SP	SP	SP	SP	SP
• Parking of not more than 4 commercially-owned shared vehicles					SP	SP	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	SP	SP	SP	SP	SP	Y	Y
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y	Y	Y
Fundraising event by an Arlington non-profit organization with appropriate permits and no automated amusements	Y	Y	Y	Y	Y	Y	Y	Y
Other accessory use	SP	SP	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use					SP	SP	Y	Y
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	SP	SP	SP	SP	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility	SP	SP	SP	SP	SP	SP		
Catering								Y
Keeping of up to six hen chickens if they are:	Y	Y	Y					
• Used only for noncommercial purposes, and								
• Permitted by Arlington Board of Health, and								
• Kept in an enclosure in the rear yard at least six feet from all property lines and at least 25 feet from residences on abutting lots								
Temporary seasonal signage as part of a signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 people	SP							

5.5 BUSINESS DISTRICTS

5.5.1. Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

- A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- B. B2: Neighborhood Business District. The Neighborhood Business District is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Locations are almost all along Massachusetts Avenue or Broadway. The Town discourages uses that would detract from the district's small-scale business character or otherwise interfere with the intent of this Bylaw.
- C. B2A: Major Business District. The B2A district is located along Massachusetts Avenue, Mill Street, Summer Street, and Broadway. These areas generally contain retail and service uses that serve the needs of a large neighborhood area. Customers generally arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer. Mixed-use buildings are allowed in this district, as is medium-density housing due to the district's proximity to residential uses. Specifically prohibited uses include (but are not limited to) automotive uses, some office uses, and wholesale business and storage uses.
- D. B3: Village Business District. The Village Business District's predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.
- E. B4: Vehicular Oriented Business District. The Vehicular Oriented Business District provides for establishments that are primarily oriented to automotive traffic, which means they require large amounts of land in proportion to building coverage. This district also consists of establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an abundance of automotive and automotive accessory sales and service establishments. As these businesses gradually close, the Town has encouraged conversion of the property to other retail, service, office, or residential use, particularly as part of mixed-use development.
- F. B5: Central Business District. The Central Business District is a small district in Arlington Center. It includes retail, service, and office uses, and it provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and

to centralized parking. The Town discourages businesses that consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this Bylaw.

5.5.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business districts. Additional regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

N/A	Not applicable
Sq.Ft	square feet
ft	feet
L	length
H	height
W	width
ROW	Right-of-Way
SP	Special Permit

A. Tables of Dimensional and Density Regulations

B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft)
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Mixed-use	-----	-----	50
Any other permitted use	5,000	2,500	50
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Townhouse or apartment	5,000	1,450	50
Mixed-use	----- 20,000	-----	50 0
Any other permitted use	5,000	1,450	50
B2A		-----	60
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW ≤ 50 ft.	20,000	1,450	100
Apartments on street w/ ROW > 50 ft.	20,000	700	100
Mixed-use	----- >20,000	-----	50 50
Any other permitted use	-----	-----	50
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Townhouse or apartment	20,000	600	100
Mixed-use	----- >20,000	----- 600	50 50
Any other permitted use	----- 20,000	600 600	50 100
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW ≤ 50 ft.	20,000	1,450	100
Apartments on street w/ ROW > 50 ft.	20,000	700	100
Mixed-use	----- >20,000	----- 700	50 50
Any other permitted use	-----	-----	50
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	6,000	2,500	60
Townhouse or apartment	20,000	550	100
Mixed-use	----- >20,000	----- 700	50 50
Any other permitted use	-----	600	50
On a lot ≥ 40,000 sq. ft.		550	100
On a lot ≥ 80,000 sq. ft.		550	150

B District Yard and Open Space Requirements

HEARING DRAFT 11-12-2017 REV 12-11-2017

District Use	Minimum Requirement		
	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Mixed use	20	10	20
Any other permitted use	20	10	20
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse or apartment	20	10	20
Mixed use	----- 0	----- 0	10+(L/10) 10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B2A			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Apartments on street w/ ROW ≤50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft)
Mixed-use	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse or apartment	15+(H/10)	(H+L)/6	(H+L)/6
Mixed-use	0 0	0 0	(H+L)/6 (H+L)/6
Any other permitted use	----- -----	----- -----	(H+L)/6 (H+L)/6
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Apartments on street w/ ROW ≤50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft.)
Mixed-use	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	20	10	20
Townhouse or apartment	15+(H/10)	(H+L)/6 (at least 20 ft)	(H+L)/6 (at least 20 ft.)
Mixed-use	0 0	0 0	(H+L)/6 (H+L)/6
Any other permitted use	-----	-----	(H+L)/6

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.14 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Mixed-use	10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	20%	N/A
Townhouse or apartment	10%	20%	N/A
Mixed-use	10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B2A			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Apartments on street w/ ROW ≤50 ft.	10%	20%	N/A
Apartments on street w/ ROW >50 ft.	10%	20%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Townhouse or apartment	10%	20%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	30%	N/A
Apartments on street w/ ROW ≤50 ft.	10%	30%	N/A
Apartments on street w/ ROW >50 ft.	10%	20%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	10%	20%	N/A
Townhouse or apartment	10%	15%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A

B District Building Height and Floor Area Ratio Regulations

District Use	Maximum Allowed		
	Maximum Height (ft)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
B1			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Mixed-use	35	2 ½	0.75
Any other permitted use	35	2 ½	0.75
B2			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Townhouse or apartment	35	3	1.00
Mixed-use	50 40	4* 3 *See Sec 5.3.20	1.50 1.00
Any other permitted use	35	2 ½	1.00
B2A			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft. or/ ROW >50 ft.	35 / 40	3 / 4	0.80 / 1.20
Mixed-use	50 40	4 3	1.50 1.00
Any other permitted use	35	3	1.00
B3			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Townhouse or apartment	60 40	5 3	1.40
Mixed-use	60 40	5* 3	1.50 1.40
Any other permitted use	60 40	5 3	1.00 1.40
B4			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft. or/ ROW >50 ft.	35 / 40	3 / 4	0.80 / 1.20
Mixed-use	50 40	4* 3	1.50 1.00
Any other permitted use	35	3	1.00
B5			
Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	35	2½	0.75
Townhouse or apartment	75 40	N/A	1.40
Mixed-use	60 / 50 60 / 40	5 / 4* 5 / 3*	1.80 1.40
Any other permitted use	60 / 40 75 75/40	5/3 N/A N/A	1.40 1.50 1.80

5.5.3. Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
Residential						
Single-family detached dwelling	Y	Y	Y	Y	Y	Y
Two-family dwelling, duplex	Y	Y	Y	Y	Y	Y
Six or more single-family dwellings or six or more units in two-family dwellings or duplexes on one or more contiguous lots	SP	SP	SP	SP	SP	SP
Three-family dwelling	SP	SP	SP	SP	SP	SP
Townhouse	SP	SP	DP	SP		SP
Apartment building		SP	SP	SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					SP	SP
Single-room occupancy building	SP					SP
Group home	Y	Y	Y	Y	Y	Y
Hotel/Motel			SP	SP	SP	SP
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP
Assisted living residence				SP		
Dormitory (Note: permitted if associated with an educational or religious use.)	SP	SP	SP	SP	SP	SP
Institutional, Educational						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: permitted if associated with an educational or religious use.)	SP	SP	SP		SP	
Nonprofit, members-only private club or lodge	SP	SP	SP	SP	Y	SP
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y	Y	Y	Y	Y
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: permitted if associated with an educational or religious use.)	SP	SP	SP	SP	SP	SP
Agricultural						
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse		Y	Y	Y	Y	Y
Farm on less than 5 acres unless otherwise exempt under G.L. c. 40A, §3, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	Y	Y
Public Recreational, Entertainment						
Conservation land	Y	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business						SP
Municipal or non-profit recreation building	Y	Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP	SP	SP	SP
Fire station	Y	Y	Y	Y	Y	Y

Police station	Y	Y	Y	Y	Y	Y
Town office building	Y	Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities	SP	SP	SP	SP	SP	SP
Utility, Transportation, Communications						
Bus, rapid transit, railroad station		SP	SP	SP	SP	SP
Motor freight terminal					SP	
Essential services	SP	SP	SP	SP	SP	SP
Radio or television studio or receiving facility without wireless transmitting facilities	Y	Y	SP	Y	Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP				
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP
Commercial parking or vehicle storage facility, with no repairs, servicing or sale of gasoline		SP	SP	SP	SP	SP
Residential surface parking lot serving residential uses in another district provided that:						
• The lot used for parking abuts the residential property it serves for at least 50 ft.; and	SP	SP	SP	SP	SP	SP
• Both lots are under common ownership; and						
• The parking lot complies with the screening provisions of Section 6.1.						
Wireless Communication Facility						
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP		SP
In a building other than a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP	SP	SP
In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building	SP					
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y
Commercial & Storage Uses						
Motor vehicle sales and rental, sale of auto parts, and accessory storage entirely within an enclosed structure, provided the neighborhood is protected from noise, fumes, gases, smoke and vapor					SP	
Outdoor sales and storage of undamaged, operable automobiles					SP	
Auto repair garage, not including a junkyard or open storage of abandoned vehicles, body work or auto painting					SP	
Car wash facility					SP	
Automobile service station					SP	
Personal, Consumer and Business Services						
Copy center or print shop for sheet-fed printing	Y	Y	Y	Y	Y	Y
Bank, credit union or other financial service; <2,000 sq. ft.	Y	Y	Y	Y	Y	Y

2,000 sq. ft. or more, or any drive-up banking service		SP	SP	SP	SP
Personal service establishment	Y	Y	Y	Y	Y
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time	SP	Y	Y	Y	Y
Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time)	SP	Y	Y	Y	Y
Funeral Home	Y	Y	SP	Y	Y
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building	Y	Y	Y	Y	Y
Eating & Drinking Establishments					
Restaurant					
< 2,000 sq. ft. gross floor area	SP	Y	Y	Y	Y
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP	SP	SP	SP	SP
Restaurant, Fast-Order Food					
< 1,500 sq. ft. in gross floor area	Y	Y	Y		Y
=> 1,500 sq. ft., and any restaurant that is principal use on lot greater than 10,000 sq. ft. or more	SP	SP	SP		SP
Restaurant, Drive-In				SP	
Catering service		SP	SP	Y	
Retail					
Retail, general, >3,000 sq. ft. gross floor area	SP	SP	SP	SP	SP
Retail, local; <3,000 sq. ft.	Y	Y	Y	Y	Y
Manufacture, assembly, packaging of goods provided that at least 50% of such goods are sold at retail primarily on the premises					
<1,000 sq. ft.	Y	Y	Y	Y	Y
=>1,000 sq. ft.	SP	SP	SP	SP	SP
Office Uses					
Including but not limited to professional, business, or medical offices					
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y	Y	Y
• 3,000 sq. ft. or more gross floor area per building	SP	SP	SP	SP	SP
• Office, display or sales space with no more than 25% of floor space used for assembly, packaging or storage of commodities		SP	SP	Y	Y
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on street with ROW of at least 50 ft.	SP				
• With ROW less than 50 ft.	SP	SP	SP	SP	SP
Wholesale Business & Storage					
Wholesale business in enclosed facility		SP		SP	
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises, based on business receipts.				SP	
Open or enclosed storage of vehicles				SP	
Commercial Entertainment, Amusement, Assembly					

Uses						
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP
Outdoor entertainment and recreation facilities			SP	SP		
Enclosed entertainment and recreation facilities conducted for a profit		SP	SP	SP	SP	SP
Indoor Motion Picture Theater			SP	SP	SP	SP
Adult Uses						SP
Research, Laboratory, Related Uses						
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area	SP	SP	SP	SP	SP	SP
Research and development establishment		SP	SP	SP	SP	SP
Light Industry						
Laundry or dry cleaning plant					SP	
Printing, binding, engraving plant				SP	SP	
Contractor's or Building Tradesman's yard					SP	
Stone cutting, shaping, finishing in enclosed facility					SP	
Truck service and repair					SP	
Light manufacturing					SP	
Other Principal Uses						
Medical Marijuana Treatment Center				SP		SP
Artisanal fabrication	SP	SP	SP	SP	SP	SP
Artistic/creative production	SP	Y	Y	Y	Y	Y
Mixed-use	SP	SP	SP	SP	SP	SP
Accessory Uses						
Renting of up to three rooms	Y	Y	Y	Y	Y	Y
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard					Y	
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y
Home occupation or office (Note: requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.8)	Y	Y	Y	Y	Y	Y
Physician or Clergy office within a residence with up to 1 nonresident employee	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP
Accessory retail or office use in apartment building over 20,000 square feet in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building		Y	Y	Y	Y	Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building			Y		Y	Y
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y

The storage or keeping of not more than one commercial vehicle:						
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles	SP	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	Y	Y	Y	Y	Y
Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building.	SP	SP	SP	SP	SP	SP
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y	Y	Y	Y
Other accessory use customarily incidental to permitted primary use	SP	SP	SP	SP	SP	SP
Activities accessory to a permitted use that are necessary in connection with scientific research	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use	SP	SP	SP	SP	SP	SP
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y	Y	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility			SP			
Catering service	Y	Y	Y	Y	Y	Y

5.6 OTHER DISTRICTS

5.6.1. Districts and Purposes

- A. MU: Multi-Use. The Multi-Use District allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review. Designation as a Multi-Use District requires a minimum of one acre of land.
- B. I: Industrial District. The Industrial District allows uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without residential space by Special Permit.
- C. T: Transportation District. In the Transportation District, the principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this Bylaw are prohibited.

- D. PUD: Planned Unit Development District. The Planned Unit Development District provides for large scale, multi-use development upon approval of a development plan and the assembly of a large amount of land.
- E. OS: Open Space District. The Open Space District includes parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the principle open space and recreation functions of the property.

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

A. Tables of Dimensional and Density Regulations

Other District Lot Regulations

	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft)/ Lot Width
MU	40,000	-----	-----
I, OS	-----	-----	-----
T	6,000	-----	60
PUD	200,000	-----	-----

Other District Yard and Open Space Requirements

	Minimum Requirement		
	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
MU	$(H+L)/6^A$	$(H+L)/6^A$	$(H+L)/6^A$
I	10	10	10
T	25	10	20
PUD	^B	^B	^B
OS	-----	-----	-----

^A Not less than 30 feet.

^B Buildings may be built to any street line provided the street exceeds 60 feet in width or the zoning on the opposite side of the street is not R2. In all other areas, buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but at least 25 feet from all front, side, and rear lot lines.

Other District Open Space and Lot Coverage

	Minimum/Maximum Requirement		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
MU	-----	-----	40%

	Minimum/Maximum Requirement		
I, T, OS	-----	-----	-----
PUD	Sec. 5.6.2(B)		-----
All permitted uses	30%	-----	-----
Mixed-use	-----	-----	-----

All Other District Maximum Height and Floor Area Ratio

	Requirement		
	Maximum Height (ft)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
MU	70 ^{A,B}	-----	1.00
I	52/39	3 / 4 ^C	1.50
T	35	2 ½	0.35
PUD	85	----- ^D	0.80
OS	----- ^E	----- ^E	-----

Notes:

^A The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

^B See Section 5.3.20.

^C Upper-story building setbacks required on structures with more than three stories. See Section 5.3.20.

^D In a mixed-use building, residential uses shall be limited to five stories.

^E Accessory buildings in the OS district shall be located on the property so as to not detract from the primary goal of the open space use.

B. Special Open Space Regulations for Planned Unit Developments

The minimum open space regulations for planned unit developments are as follows:

- (1) Apartments – 10% landscaped, 10% usable.
- (2) Hotel/motels – 10% landscaped.
- (3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10% shall be required.
- (4) Office and professional buildings – 10% landscaped.

C. Sale or Lease of Lots in a Planned Unit Development

Upon completion of Environmental Design Review under Section 3.4, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PUD district.

5.6.3. Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
Residential					
Single-family detached dwelling ^A	SP	Y			
Two-family dwelling, duplex ^A	SP	Y			
Three-family dwelling	SP	SP			
Townhouse	SP	SP			
Apartment building	SP	SP			
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building		SP			
Single-room occupancy building		SP			
Group home	Y	Y			
Hotel/Motel		SP			
Assisted living residence	SP				
Dormitory (Note: Permitted if associated with an educational or religious use)	SP	SP			
Institutional, Educational					
Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution ^B	SP	SP			
Nonprofit, members-only private club or lodge	SP	SP	SP		
Hospital	SP				
Licensed nursing home	SP	SP			
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y			
Library, museum, or art gallery open to the public and not conducted as a private gainful business. ^B		SP			
Agricultural					
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse	Y	Y			
Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	
Public Recreational, Entertainment					
Conservation land	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation club, or facility not conducted as a private gainful business	SP	SP			
Municipal or non-profit recreation building	Y	Y	Y		
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP		
Fire station	Y	Y	Y		
Police station	Y	Y	Y		
Town office building	Y	Y	Y		
Municipal public works yard and associated maintenance, storage, and office facilities		SP	SP		

Class of Use	MU	PUD	I	T	OS
Utility, Transportation, Communications					
Bus, rapid transit, railroad station		SP		SP	
Motor freight terminal			SP		
Essential services	SP	SP	SP	SP	SP
Radio or television studio or receiving facility; without wireless transmitting facilities	SP	Y	Y		
Municipal or other public parking area or structure	SP	SP	SP	SP	
Commercial parking or vehicle storage facility, with no repairs, services or sale of gasoline		SP		SP	
Residential surface parking lot serving residential uses in another district provided that:					
• The lot used for parking abuts the residential property it serves for at least 50 ft.; and		SP	SP		
• Both lots are under common ownership; and					
• The parking lot complies with the screening provisions of Section 6.1.					
Bikeway				Y	
Wireless Communication Facility					
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building			SP		
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP		
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	
Ground Mounded Solar Photovoltaic Installation			Y		
Commercial & Storage Uses					
Motor vehicle sales and rental, sale of auto parts, accessory storage in enclosed structure, provided neighborhood is protected from noise, fumes, gases, smoke and vapor		SP	SP		
Outdoor sales and storage of undamaged, operable automobiles		SP	Yes		
Auto repair garage, with no open storage of abandoned vehicles, body work or auto painting		SP	SP		
Car wash facility		SP	SP		
Automobile service station		SP			
Personal, Consumer, and Business Services					
Copy center or print shop for sheet-fed printing		Y	Y		
Bank, other financial service; <2,000 sq. ft.		SP			
2,000 sq. ft. or more, or any drive-up banking service		Y			
Personal service establishment		Y			
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		Y			
Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time)		Y	Y		
Funeral Home			Y		

Class of Use	MU	PUD	I	T	OS
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building			Y		
Eating & Drinking Establishments					
Restaurant					
< 2,000 sq. ft. gross floor area	SP	Y	SP		
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP	SP			
Restaurant, Fast-Order Food					
< 1,500 sq. ft.		Y			
=> 1,500 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP			
Catering service		SP	Y		
Retail					
Retail, general, >3,000 sq. ft. of gross floor area		SP			
Retail, local; <3,000 sq. ft. or gross floor area		Y			
Manufacture, assembly, packaging of goods where at least 50% of goods are sold at retail primarily on the premises					
<1,000 sq. ft.		SP	SP		
=>1,000 sq. ft.		Y	Y		
Office Uses					
Including but not limited to professional, business, or medical or dental offices					
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y		
• 3,000 sq. ft. or more gross floor area per building	SP	SP	SP		
• Office, display or sales space providing not more than 25% of floor space is used for assembling, packaging and storing commodities		Y	Y		
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on a street with ROW width at least 50 ft.	SP	SP	SP		
Wholesale Business & Storage					
Wholesale business in enclosed facility			Y		
Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities		Y	Y		
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises			SP		
Storage of vehicles			SP		
Storage of fluid (other than water)			SP		
Open storage of raw materials, finished goods, or equipment			SP		
Commercial Entertainment, Amusement, Assembly Uses					
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP		
Enclosed entertainment and recreation facilities conducted for profit	SP	SP	SP		

Class of Use	MU	PUD	I	T	OS
Indoor Motion Picture Theater		SP			
Enclosed entertainment and recreation facilities not for profit	SP	SP	SP		
Research, Laboratory, Related Uses					
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area.		SP	SP		
Research and development establishment		SP	Y		
Light Industry					
Laundry or dry cleaning plant			Y		
Printing, binding, engraving plant			Y		
Industrial services such as machine shop, plumbing, electrical or carpentry shop or similar service			Y		
Contractor's yard			Y		
Stone cutting, shaping, finishing in enclosed facility			Y		
Auto body shop; all work carried out inside the building			SP		
Truck service and repair			SP		
Light manufacturing			SP		
Other Principal Uses					
Artisanal fabrication	SP	SP	Y		
Artistic/creative production	SP	SP	Y		
Mixed-use	SP	SP	SP		
Accessory Uses					
Renting of up to three rooms			Y		
Accessory private garage for noncommercial motor vehicles	Y	Y	Y		
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard		Y	Y		
Accessory structure not used as part of business	Y	Y	Y	SP	
Home occupation ^c	Y	Y	Y		
Family child care	SP	Y			
Physician's or Clergy's office within a residence with up to 1 nonresident employee	Y	SP	Y		
Accessory retail, office, or consumer service use in an apartment dwelling over 20,000 sq. ft. in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building	Y	Y	SP		
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building	Y	Y	Y		
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	SP	
The storage or keeping of not more than one commercial vehicle:					
• In a private garage accessory to a dwelling if owned or used by a person residing in such	Y	Y	Y		

Class of Use	MU	PUD	I	T	OS
dwelling					
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling		Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles	Y	Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town		Y	Y		
Outdoor storage of not more than 3 vehicles damaged or inoperative due to collision			SP		
Temporary food or beverage concession for profit at an event		Y	Y	SP	
Other accessory use customarily incidental to primary use	SP	SP	SP	SP	
Activities accessory to a permitted use that are necessary in connection with scientific research		SP	SP		
Up to three dwelling units in a building containing a business or service use		SP			
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y			
Catering service		Y	Y		
Notes					

^A Six or more units on one or more contiguous lots requires a special permit.

^B But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3.

^C Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.8.

5.7 FLOODPLAIN DISTRICT

5.7.1. Purposes

The purpose of Section 5.7 is to:

- A. Protect the health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
- B. Prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.
- C. Preserve the natural flood control characteristics and the water storage capacity of the floodplain.
- D. Protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.

- E. Protect the safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

5.7.2. Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

5.7.3. Applicability

- A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 5.8, G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the State Building Code that addresses floodplain areas, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission.
- B. The phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable", shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

5.7.4. Setback from Open Stream

A building or structure, except for a retaining wall, wharf, fence, or bridge, may be set back less than 15 feet by special permit from the Board of Appeals, following consultation with the Arlington Conservation Commission.

5.7.5. Use Regulations

- A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.
- B. Permitted Uses. The following uses are permitted in the Floodplain District:
- (1) The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:
 - Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden

- Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question
- Park, playground, or other outdoor recreational facility not conducted as a private business
- Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
- Wildlife management areas
- Foot, bicycle, or horse paths

- (2) For single-family detached dwellings, two-family dwellings, or duplex houses existing on the effective date of this Section is advertised (August 28, 1975), the expansion of these (or their accessory) uses to a maximum of 15% of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.

C. Special Permit. The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.

- (1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.
- (2) The proposed use shall comply with the regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw (Title V, Article 8).
- (3) Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing prior to August 28, 1975 after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.

- (4) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5.7.6. Procedures

- A. Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.
- D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.
- E. No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.

5.7.7. Areas, Open Space, and Yard Regulations

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

5.7.8. Exemptions

- A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.
- B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

5.7.9. Notification of Alteration

In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:

- Chief Executive Officers in Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

5.8 INLAND WETLAND DISTRICT

5.8.1. Purpose

The purpose of Section 5.8 is to:

- A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.
- B. Protect the health and safety of persons and property against the hazards of flooding and contamination.
- C. Preserve and maintain the groundwater table for potential water supply purposes.
- D. Protect the community against the detrimental use and development of lands adjoining such watercourses.
- E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.

5.8.2. Definitions

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds and swamps.
- B. All land area along all rivers, brooks, and streams for a horizontal distance of 25 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

5.8.3. **Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section 3.05 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

5.8.4. **Permitted Uses**

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 9.06 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued.

5.8.5. **Procedures**

Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental Protection, and the Massachusetts Department of Public Works under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.

5.8.6. **Development Conditions**

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:

- (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
 - (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
 - (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
 - (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

5.9 SUPPLEMENTAL REGULATIONS FOR PERMITTED USES

5.9.1. Home Occupation

- A. In any Residential District, a home occupation is permitted if all the following conditions are met:
- (1) No nonresident shall be employed therein.
 - (2) Not more than 25% of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to the home occupation, and no stock in trade, commodities, or products shall occupy space beyond these limits.
 - (3) There shall be no display of goods or wares visible from the street.
 - (4) All advertising devices visible from off the lot are specifically prohibited.
 - (5) The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure.

- (6) Any such building shall include no feature of design not customary in buildings for residential use.
- B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.

SECTION 6. SITE DEVELOPMENT STANDARDS

6.1 OFF-STREET PARKING

6.1.1. Purposes

The purposes of this Section 6.1 are to:

- A. Provide for safe and convenient vehicular parking areas and delivery areas;
- B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;
- C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.

6.1.2. Applicability

No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.

6.1.3. Administration

- A. This Section 6.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section 6.1, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review”.
- B. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1.

6.1.4. Table of Off-Street Parking Regulations

The minimum number of off-street parking and loading spaces shall be as set forth in the following table. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling	1 space per dwelling unit

Use	Minimum Number of Spaces
Apartment building	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 1 space per 5 units of public elderly housing
Assisted living residence	0.4 spaces per dwelling unit
Single-room occupancy building	1 per unit Any bedroom or group of 2 beds in a single room
Group home	2 spaces per 4 residential rooms
Business or Industrial Use	
Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to customer traffic	1 space per 1,000 sq. ft. of gross floor area For outdoor display areas, 1 space per 1,000 sq. ft. of lot area used for these purposes
Hotel/motel	1 space per sleeping room, plus 1 space per 400 sq. ft. of public meeting area or restaurant space
Other retail or service use	1 space per 300 sq. ft. of gross floor area
Offices, including professional, business	1 space per 500 sq. ft. of gross floor area
Wholesale or storage establishment, warehouse	1 space per 1,000 sq. ft. of gross floor area
Manufacturing or industrial establishment	1 space per 600 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater
Medical, dental office or clinic, or office of other health care providers	4 spaces per physician, dentist, practitioner
Institutional, Educational Use	
Hospital	2.25 spaces per bed of design capacity
Nursing home	1 space per 4 beds of design capacity
Business, trade, or industrial school or college	1 space per 200 sq. ft. of gross floor area in classrooms and other teaching stations, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Other school	2 spaces per classroom in elementary and middle school or junior high school facility; 4 spaces per classroom for a high school, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Public, Recreational or Entertainment	
Community facility or municipal facility	1 space per 3 employees on the largest shift
Theater, restaurant, gym, auditorium or similar place of public assembly with seating facilities	1 space per 4 seats of total seating capacity. Seasonal outdoor seating for restaurants shall not count toward total seating capacity
Health club or indoor athletic facility	1 space per 300 sq. ft. of gross floor area
Utility, Transportation, Communications	
Public utility	1 space per 400 sq. ft. of gross floor area devoted to office use, 1 space per 800 sq. ft. of gross floor area for other use

Use	Minimum Number of Spaces
Transportation terminal	1 space per 600 sq. ft. of gross floor area
Other Uses	
Mixed-use	Sum of uses computed separately
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector

6.1.5. **Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, and Business and Industrial Zones to 25 percent of that required in the Table of Off Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the special permit granting authority. Methods to reduce parking on site may include but are not limited to:

- A. **Shared Parking:** To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. **Off-site Parking.** An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. **Transportation Demand Management (TDM):** Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
 - (1) Charge for parking on-site;
 - (2) Pay a stipend to workers or residents without cars;
 - (3) Provide preferential parking for carpooling vehicles;
 - (4) Provide a guaranteed emergency ride home;
 - (5) Provide transit pass subsidies;
 - (6) Provide covered bicycle parking and storage;
 - (7) Provide bicycle or car sharing on site;
 - (8) Provide showers for business or industrial uses;

- (9) Other means acceptable to the applicable special permit granting authority

6.1.6. Table of Off-Street Loading and Unloading Regulations

The off-street loading and unloading requirements in the Table of Off-Street Loading Regulations shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

Use	Minimum Number of Loading Spaces per Sq. Ft. Gross Floor Area
Retail, Personal, Consumer, and Business Services, Restaurants	5,000 - 20,000 = 1
	20,001 - 50,000 = 2
	50,001 - 100,000 = 3
	plus 1 for each 100,000 (or fraction) over 100,000
Manufacturing or Industrial, Utility, Transportation, Communications, Wholesale or Storage, Wholesale Business, Storage Facility	5,000 - 20,000 = 1
	20,001 - 40,000 = 2
	40,001 - 120,000 = 3
	120,001 - 200,000 = 4
	plus 1 for each 100,000 (or fraction) over 200,000
Institutional, Educational, Public, Recreational, and Entertainment, Office Uses	5,000 - 50,000 = 1
	50,001 - 100,000 = 2
	100,001 - 150,000 = 3
	plus 1 for each 150,000 (or fraction) over 150,000

6.1.7. Existing Spaces

Parking or loading spaces being maintained in any District for any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as the use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership. However, this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables in this Section 6.1.

6.1.8. Computation of Spaces

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

6.1.9. Combined Facilities

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Board of Appeals or Arlington Redevelopment Board, as applicable, as part of the special permit process and recorded with the Middlesex South Registry of Deeds.

6.1.10. Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment on the same lot, they shall be established no further than 600 feet from the premises they serve, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable. Such spaces may be located outside or within a structure designed as a public or private garage. Projects subject to Section 3.4, Environmental Design Review, may provide parking off-site within 600 feet where it can be shown that a long-term, legally enforceable agreement has been made to secure off-site parking.

- A. **Parking in Residential Districts.** For single-family, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

For single-family, two-family or duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway shall be permitted unless there is a finding by the Board of Appeals (or Arlington Redevelopment Board, if it is the special permit granting authority for the development) that a second driveway or a driveway that makes more than one intersection with the street may be added in a manner that avoids an undue concentration of population, allows adequate provision of transportation, and conserves the value of land and buildings in the vicinity. In no case may a second driveway for a single-family, two-family or duplex, or three-family dwelling violate any other dimensional or density regulations for the district in which it is located. For single-family, two-family or duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

- B. **Parking in Commercial Districts.** For properties located in the Business Districts, no parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or Arlington Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.
- C. **For Mixed-Use development,** the first 3,000 square feet of non-residential space is exempt from the parking requirements of this Section 6.1.

- D. **Public Parking Lots.** The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of space within public parking lots in lieu of parking requirements of this Section 6.1 provided they are located within 1,000 feet of the building to be served.
- E. **Location of Loading Spaces.** The loading spaces required for the uses listed in the Table of Off-Street Loading and Unloading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

6.1.11. **Parking and Loading Space Standards**

- A. A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet. Compact car parking spaces permitted in accordance with Paragraph C(11) below shall be at least 8 feet by 16 feet. For parallel parking, a space shall have minimum dimensions of 8 feet by 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length. In residential side yards, the width of a parking space may be the width of the side yard, but in no case less than 7.5 feet.
- B. Parking areas with five spaces or less shall be surfaced with a permanent pervious or impervious material or binder.
- C. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:
 - (1) The parking and loading areas and access driveways shall be surfaced with pervious or impervious material and shall be graded and drained to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
 - (2) A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways to protect abutting structures, properties and sidewalks and screening materials.
 - (3) Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Angle of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

- (4) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
 - (5) No business operation for vehicle repair, gasoline or oil service facilities, or any repair to any motor vehicles shall be conducted except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least 25 feet from any lot line.
 - (6) Except for duly authorized yard sales, the storage of materials or equipment or display of merchandise within the required parking area is prohibited.
 - (7) Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
 - (8) Any two driveways leading to or from a street, or to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet from the intersection of the lot line with the street right-of-way for a corner lot.
 - (9) Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to 40 feet.
 - (10) In R0, R1, R2, R3, and R4 zones, the Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit to allow the reduction of the parking space requirements to 80% of that required in the Table of Off-Street Parking Regulations where conditions unique to the use reasonably justify such a reduction.
 - (11) The Board of Appeals or Arlington Redevelopment Board, as applicable may grant a special permit allowing up to 20% of the spaces in a parking lot or garage to be sized for compact cars.
- D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.
- (1) The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five feet if the setback includes a solid wall or solid wooden fence, five to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required in the Density and Dimensional Regulations of the district. Where deemed appropriate by property owner, acceptable to immediate abutters, and approved by the Building Inspector, another wall or fence height or fence type may be substituted for the required wall or fence.
 - (2) The area shall be effectively screened with suitable planting or fencing on each side that faces abutting lots used for residential purposes. The screening

shall be within the lot boundaries and at least five feet and not more than six feet high. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from the building by a buffer strip of green open space not less than five feet wide and suitably planted.

- (3) The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.
- (4) Parking shall not be located within the required front yard area in any district.
- (5) Parking and loading spaces other than those required for single-family and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street.
- (6) Parking areas providing more than 25 spaces shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide.

E. The landscaping standards of Section 6.1.11 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:

- (1) Reasonable alternative measures have been taken to meet the intent of these standards: to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage; and
- (2) All landscaped space required by this section is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

6.1.12. Bicycle Parking

- A. Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the town.
- B. When bicycle parking is required, there will be one bicycle parking space per 15 motor vehicle spaces under Section 6.14. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.

- C. When bicycle parking is required, there will be a minimum of two spaces provided, and not more than 20 bicycle spaces will be required at a single site.
- D. A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle six feet in length and two feet wide. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.
- E. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.
- F. The following uses are exempt from bicycle parking requirements: places of worship, cemetery, funeral home, automotive repair shop, car wash, or gas station.

6.2 SIGNS

6.2.1. Purpose

The purpose of this Section 6.2 is to:

- A. Prevent hazards to vehicular and pedestrian traffic;
- B. Prevent conditions which have a blighting influence and contribute to declining property values;
- C. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
- D. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment; and
- E. Maintain public safety, consistent with constitutional requirements protecting freedom of speech.

6.2.2. Applicability

All outdoor signs and window signs are subject to the regulations of this Section 6.2 unless specifically excluded herein. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with this Section.

6.2.3. Administration

The Building Inspector shall have authority to issue sign permits under this Section 6.2. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section, it shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review".

6.2.4. General Regulations

The provisions of Sections 6.2.4 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 6.2.9.

- A. Any traffic, directional, informational, educational, or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of this Bylaw, promotional, informational, or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on these signs shall not exceed 3% of the sign area.
- B. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not because of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking.
- C. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice and consent of the Police Chief, the light would create a driving hazard.
- D. No sign shall be illuminated between 12:00 AM and 6:00AM, except signs identifying police or fire stations or hospitals, and except signs on premises open for business during that time.
- E. All illumination shall be either interior and non-exposed by a window or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including but not limited to incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.
- F. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.
- G. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, or visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product and shall not exceed one square foot in area.
- H. One informational sign up to four square feet in area, indicating the existence of, and meeting time and place of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content, and location shall be determined in the special permit. Signs of several service organizations may be consolidated into one sign, in which case the maximum sign area shall be limited to four square feet times the number of organizations listed on the sign.
- I. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events conducted on the premises.

- J. One sign, up to one square foot in area, is allowed per residence indicating the name and address of the occupants.
- K. In any district, one sign is allowed for each of the following, provided it shall not exceed six square feet in area and shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line:
 - (1) Membership club
 - (2) Community facility
 - (3) Funeral establishment
 - (4) Public utility
 - (5) Place of public assembly
 - (6) Premises for sale or lease
- L. A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.
- M. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall a deposit left with the Building Inspector for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.
- N. A sign area larger than that specifically allowed in this Section 6.2.1 is allowed by special permit under Section 6.2.11.
- O. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.
- P. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.
- Q. Notices in compliance with Title V, Article 1 of the Town Bylaws are allowed in any District.

6.2.5. Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained.

- A. Signs which incorporate in any manner flashing, moving, or intermittent lighting, excluding public service signs showing time and temperature.
- B. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.

- C. String lights used in connection with commercial premises with except for temporary lighting for holiday decoration.
- D. Any sign which advertises a business no longer in existence, or a product or service no longer sold.
- E. Portable signs.
- F. Window signs which cover more than 25% of the area of the window.
- G. Signs for home occupations.
- H. Signs, except awning signs, painted or posted directly on the exterior surface of any wall.
- I. Signs that obstruct any door, window or fire escape on a building.
- J. Signs constructed, erected, or maintained on the roof of any building.
- K. Signs which project over a public right-of-way, except for wall signs which may project no more than 12 inches from a building face, and with the further exception of bracket signs in the B3 and B5 zoning districts.
- L. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale. In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10% of the sign area, unless the registered trademark or commodity is the principal activity conducted therein.

6.2.6. Signs Permitted in Any R District

One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section 6.2.9 not to exceed four square feet in area and if a ground sign, set back not less than one half the depth of the front yard.

6.2.7. Bed and Breakfast Signs

A bed and breakfast or a bed and breakfast home in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.

6.2.8. Signs Permitted in Any B, I, or PUD District

- A. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section 6.2.9, there shall not exceed a total of two permanent signs for any one business or industrial establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.
- B. One directory of the occupants or tenants of the building affixed at each entrance not exceeding an area determined as one square foot for each occupant or tenant.
- C. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height.

- D. One awning sign for each display window of a store.

6.2.9. **Special Controls by Zoning District**

- A. Signs Permitted in B1, R6 and, R7 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building except that in R6 and R7 districts, buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10% of the sign area, unless said trademark or commodity is the principal activity conducted therein.
- B. Signs Permitted in B1 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building.
- C. Signs Permitted in Any B2 or T Districts. One permanent wall sign not to exceed two feet in height or a ground sign not to exceed 20 square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than 10 percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.
- D. Signs Permitted in Any B3, B5 I, or PUD Districts. One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.
- E. Signs Permitted in Any B3 and B5 Districts. One sign permitted in Sections 6.2.8 Subsection D above may be a bracket sign meeting the following dimensional requirements: a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 square feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.
- F. Signs Permitted in Any B2A or B4 Districts
 - (1) One permanent wall sign for each street or parking lot frontage of each establishment not to exceed 40 square feet and to conform to the "wall sign" provisions of this Section 6.2.
 - (2) One standing sign which does not exceed 24 square feet in lieu of the wall signs permitted in Subsection (F)(1) above. If a standing sign is provided, there may be one permanent wall sign which does not exceed 20% of the area of the standing sign.

- (3) On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.
- (4) Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each lot street frontage.
- (5) At gasoline service stations, one standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.
- (6) If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than 10% of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

G. Signs Permitted in MU Districts

- (1) One free-standing sign provided such sign is not more than four feet by six feet or 24 square feet in area and the top of the sign is not over 12 feet above the ground.
- (2) One wall or standing sign for identification of each building provided the surface area of such sign of one side shall not be more than 10 square feet nor, if a standing sign, more than six feet above ground.
- (3) Directional signs that point out parking lots and specific services provided they are not larger than one foot by three feet and provided the top of the sign is not more than four feet above the ground.

H. Signs Permitted in OS Districts

- (1) One unlighted permanent freestanding sign for any permitted use, not to exceed four square feet in area and set back not more than 15 feet from the front property line.
- (2) On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed 24 square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3% of the area of the kiosk.

6.2.10. Sign Permits and Maintenance

- A. Applications for a sign permit to erect, install, place, construct, alter, move, or maintain a sign shall be submitted to the Building Inspector on forms provided by the Department of Inspectional Services.

- B. Upon receipt of a complete application for a sign permit, the Building Inspector shall transmit a copy to the Director of Planning and Community Development for review and comment. The Director shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Building Inspector within 14 days of receipt of the application. Failure to submit a report within the 14-day period shall constitute no objection to the permit by the Department.
- C. A sign permit shall be issued only if the sign complies or will comply with all applicable provisions of this Bylaw.
- D. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Building Inspector is dangerous or in disrepair, or which is erected or maintained contrary to this Bylaw.

6.2.11. Special Permits

- A. Under certain circumstances, the Board of Appeals or Arlington Redevelopment Board, as applicable, may issue a special permit to allow more than the number of signs permitted under this Section 6.2, or signs of a greater size or in a location other than that specified in this Section 6.2 if the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting a sign special permit, the Board of Appeals or Arlington Redevelopment Board, as applicable, shall specify the size and location of the sign or signs and impose other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four feet times the linear face of the building front.
- B. Submission requirements and procedures for a sign special permit shall be in accordance with Section 3.4 of this Bylaw and the rules and regulations of Board of Appeals or Arlington Redevelopment Board, as applicable.

6.2.12. Nonconforming Accessory Signs

Accessory signs or other advertising devices legally erected before the adoption of this Bylaw may continue to be maintained, provided, however, that:

- A. No sign or other advertising device shall be permitted if it is, after the adoption of this Bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this Bylaw; and
- B. Any sign or other advertising device that has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign or other advertising device at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:
 - (1) Shall have been abandoned;

- (2) Advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at the premises; or
- (3) Shall not have been repaired or properly maintained within 30 days after notice to that effect has been given by the Inspector of Buildings.

6.2.13. Nonaccessory Signs

- A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device, except those exempted by G.L. 93, §§ 30 and 32.
- B. No billboard, sign or other advertising device shall be erected, displayed, or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.
- C. Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.
- D. No nonaccessory signs shall be erected in any R District and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:
 - (1) On the premises of or within 300 feet of, a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89 665, 805.915 (1966) as amended;
 - (2) On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;
 - (3) Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the Zoning Map of the Town of Arlington;
 - (4) Within a radius of one hundred 150 feet from the point where the centerlines of two or more public ways intersect;
 - (5) Exceeding a height of 30 feet measured from the ground surface;
 - (6) Upon the roof of any building;

- (7) Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;
 - (8) Containing a sign face with a vertical dimension more than 12 feet;
 - (9) Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight feet or a height of four feet;
 - (10) Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of 25 feet or a height of 12 feet; or
 - (11) In any event if such billboard, sign or other advertising device shall exceed a length of 50 feet or a height of 12 feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.
- E. No billboard, sign or other advertising device shall be erected, displayed or maintained without a permit from the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from the Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the Board of Selectmen shall hold a public hearing on the said application in the town, notice of which shall be given by posting the same in three or more public places in the said town at least one week before the date of the such hearing. A written statement as to the decision of the Board results thereof shall be forwarded to the Division within 30 days from the date of notice of the town that an application for a permit had been made. In the event of a disapproval of the such application, the Board shall provide reasons for the disapproval within 30 days from the date of notice of the town that an application for such a permit had been made.
- F. This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

SECTION 7. SPECIAL PERMITS

7.1 REMOVAL OF SAND, GRAVEL, QUARRY OR OTHER EARTH MATERIALS

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the State Building Code), except by permission of Board of Appeals.

SECTION 8. SPECIAL REGULATIONS

8.1 NONCONFORMING USES AND STRUCTURES

8.1.1. Applicability

- A. Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017). However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a single family or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible.
- B. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.1.2. Nonconforming Uses

Unless the Board of Appeals has made the finding provided for in G.L. c. 40A, § 6 and Section 8.1.1 above:

- A. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.
- C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40% of the floor area of the existing structure.

- D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

8.1.3. Nonconforming Single-Family or Two-Family Dwellings

- A. Alteration, reconstruction, extension, or structural change to a single or two-family residential structure that does not increase the nonconforming nature of said structure shall be permitted.
- B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.

8.1.4. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings

Except as provided in Section 8.1.5 below, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

- A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.
- B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.
- C. Any lawful nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- D. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot shall be conforming.
- E. Except as covered under Section 8.1.5 or Section 8.1.6, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.

8.1.5. Unsafe Structure

Except as covered under Section 8.1.7, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals, or in cases subject to Environmental Design Review, Section 3.4., the Arlington Redevelopment Board.

8.1.6. Reduction or Increase

- A. Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.4 or Section 8.1.5. However, this section shall not apply in the case of a lot a portion of which is taken for a public purpose.
- B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
- C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

8.1.7. Restoration, Abandonment, or Non-Use

- A. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original nonconforming use or a conforming use. If such restoration is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.
- B. Any nonconforming use or structure which has been abandoned, demolished without reconstruction, or not used for a period of two years, shall lose its protected status and be subject to all provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.
- C. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

8.2 AFFORDABLE HOUSING REQUIREMENTS**8.2.1. Purposes**

The purpose of this Section 8.2 is to:

- A. Promote the public health, safety and welfare by encouraging the expansion and improvement of the town's housing stock, especially its affordable housing;
- B. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- C. Minimize the displacement of lower-income Arlington residents; and

D. Increase the production of affordable housing to meet employment needs.

8.2.2. **Applicability**

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a two-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

8.2.3. **Requirements**

- A. In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of .5 or more shall be rounded up to the next whole number.
- B. The sale price or monthly rent of each affordable unit shall be calculated such that household size matches the number of bedrooms plus one.
- C. Affordable units shall conform to all requirements for inclusion in the Chapter 40B Subsidized Housing Inventory.
- D. Affordable units shall be included in the locus of the development. In exceptional circumstances, the Arlington Redevelopment Board may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing affordable units, if it finds that:
 - (1) it is in the best interest of the Town to do so, or
 - (2) the provision of affordable units would result in a hardship that renders the development financially infeasible.

The financial contribution to the Affordable Housing Trust Fund for each affordable unit shall be equal to the difference between the full and fair cash market value of a

market-rate unit and the maximum affordable price of an affordable unit, and shall be payable in full prior to issuance of a final occupancy permit.

- E. Affordable units shall be dispersed throughout the development and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

8.2.4. **Incentive**

Notwithstanding the special permit requirement under Section 6.1.10, Location of Parking Spaces, and 6.1.11, Parking and Loading Space Standards:

- A. The applicant shall have the option to reduce the number of spaces required in Section 6.1.4, Table of Off-Street Parking Regulations by up to 10 percent.
- B. In the case of a single-room occupancy building or dormitory, where more than 50 percent of the units are affordable to households earning no more than 60% of Area Median Income, the number of parking spaces for the affordable units may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

8.2.5. **Administration**

- A. The Arlington Redevelopment Board shall administer this Section 8.2 and may adopt administrative rules and regulations to implement its provisions.
- B. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a pro-rata basis.
- C. Sales prices, resale prices, initial rents and rent increases for affordable units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.
- D. The affordable units shall be subject to a marketing plan approved by the Director of Planning and Community Development, consistent with federal and state fair housing laws and the Town of Arlington's approved Fair Housing policy, on file in the Department of Planning and Community Development.
- E. To the extent not inconsistent with the provisions of G.L. c.183A, condominium documentation shall provide the owners of the affordable units with voting rights sufficient to ensure an effective role in condominium decision-making.

All legal documentation shall be subject to review and approval by Town Counsel or its designee.

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TOWN OF ARLINGTON

MASSACHUSETTS 02476
781 - 316 – 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT



HEARING DRAFT

PROPOSED REVISION OF THE ARLINGTON ZONING BYLAW

December 14, 2017

HEARING DRAFT 12-14-2017

HEARING DRAFT

December 14, 2017

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SECTION 1. PURPOSE AND AUTHORITY

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

1.2 PURPOSES

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

1.3 AUTHORITY

This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A, as amended.

1.4 APPLICABILITY

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

1.5 AMENDMENT

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, Section 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all abutters of the land referred to in the petition.

1.6 SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

SECTION 2. DEFINITIONS

In this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

~~**Accessory Use:** A use that is incidental and subordinate to, and customarily associated with, that of the primary structure or use of land and that is located on the same lot and under the same ownership.~~

PUBLIC PROVISIONS

Comment [JR1]: Duplicative of Use, Accessory

Adult Day Care: A facility providing non-residential social, supportive, or health services, dementia services, or any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.

Adult Uses: All uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

Definitions Associated with Affordable Housing

Affordable Units: Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.

Area Median Income: The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the U.S. Department of Housing and Urban Development (HUD).

Eligible Household: For ownership units, a household whose total income does not exceed 80% of Area Median Income, adjusted for household size. For rental units, a household whose total income does not exceed 70% of Area Median Income, adjusted for household size.

Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program, adjusted for unit size and with an allowance for utility costs.

Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Arlington Redevelopment Board: The Arlington Redevelopment Board (“ARB”) which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

Artisanal Fabrication: Production of goods using hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

Assisted Living Residence: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.

Athletic Facility, Indoor: A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities.

Attic: An unfinished, non-habitable space immediately below the roof of a building, typically used for storage or mechanical equipment.

Definitions Associated with Auto Uses

Auto Body Shop: A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.

Auto Repair Shop: A facility for the general repair of automobiles, motorcycles or noncommercial trucks, including rebuilding, or reconditioning of engines, and the sale, installation, and servicing of equipment and parts.

Auto Service Station: A building, structure or land use with no more than three service bays primarily for the dispensing or sale of automotive fuels, oils or accessories, including lubrication ~~of~~ automobiles, ~~and~~ replacement or installation of parts and accessories, and washing of automobiles.

Awning: A roof-like covering stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building.

Bed and Breakfast: A dwelling with a resident owner or manager in which lodging units are rented and breakfast is served to the people occupying the lodging units.

Definitions Associated with Building

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building or an adjacent lot in the same ownership.

Building Area: The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage: The building area expressed as a percentage of the total lot area.

Building, Detached: A building with no structural connection to another building.

Building, Front Building Line: A line drawn parallel to the front boundary of a lot along the front face of a building or through the point on a building closest to the front boundary.

Building Height: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. Refer to Sections 5.3.19, [5.3.20](#), and 5.4.2.B(5) for detailed exceptions.

Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)

Building, Setback Line: The line beyond which a building shall not extend, except as specifically provided by this Bylaw.

Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

Catering Service: Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building.

Certificate of Occupancy: A statement under the State Building Code signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

| **Child Care ~~Facility~~Center:** A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L. c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

Commercial Vehicle: Any truck, including but not limited to step vans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional

affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

Common Land: A parcel or parcels of outdoor space in a Planned Unit Development, maintained and preserved for outdoor uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

Conservation Land: A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

Consumer Service Establishment: Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, or small appliance repair.

Definitions Associated with Court

Court: An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

Court, Inner: A court surrounded on all sides by the exterior walls of a structure.

Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

Deck: A roofless outdoor space built as an above-ground platform projecting from the wall of a building and connected by structural supports at grade or adjacent to the building structure.

District: A zoning district as established by Section 4 of this Bylaw.

Driveway: An area on a lot which is open to the sky and which may be paved and; not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.

Definitions Associated with Dwelling

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or

part as the home residence or sleeping place of one or more persons. The terms "single-family," "two-family," "duplex," "three-family" or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, [mixed-use](#), or mobile home.

Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Multi-family Dwelling: A building containing 4 or more dwelling units.

Single-Family Dwelling: A [house-building](#) containing only one dwelling unit.

Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term "single-room occupancy building" shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

Three-Family Dwelling: A building containing three dwelling units.

Townhouse Structure: A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

Two-Family Dwelling: A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

Enclosed Entrance (or Vestibule): Anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or leading into a larger space in a nonresidential building such as an entrance hall or interior common area.

Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

Essential Services: Services provided by a public utility or governmental agency through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

Family or Household: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit

and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a household.

Farm (or Agriculture): As defined in G.L. c. 128, § 1A.

Flood Map: A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.

Floodway: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined by FEMA or a licensed professional acceptable to the Conservation Commission.

Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.

Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

Funeral Home: A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.

Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

Gross Floor Area: The sum of the horizontal areas of the several stories of a building or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall as regulated under ~~Refer to~~ Section 5.3.22 ~~for formula~~.

Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed 20 feet in height.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

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Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include retail sale of merchandise on the premises nor alter the residential character of the lot or building as regulated under Section 5.9.1. Home occupation shall not include: Personal Service Establishment Uses; Office, Business or Professional Uses; commercial stables or kennels, or teaching of more than three pupils simultaneously, or teaching of more than one pupil at a time.

Hospital: An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel/Motel: A building in which temporary lodging is offered for compensation, with or without associated amenities.

Inspector of Buildings: Inspector of Buildings ("Building Inspector"), Arlington, Massachusetts.

Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.

Definitions Associated with Lot

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.

Lot, Interior: A lot, the side lines of which do not abut on a street.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw. (See also Nonconformance)

Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot Width: The minimum horizontal distance between the side lot lines, or in the case of a corner lot, the minimum horizontal distance between the side lot line and the opposite lot line.

Manufacturing, Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.

Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.

Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

Mixed-Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

Nonconformance: A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.

Definitions Associated with Office

Office, Business or Professional: A building or portion of a building used to provide services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term “Office, business or professional” shall not include medical offices for a physician, dentist, or other health care professionals. (See “Office, Medical or Clinic”.)

Office, Medical or Clinic: A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. “Office, Medical or Clinic” shall not include a hospital.

Definitions Associated with Open Space

Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, [patios](#), play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6.

Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than 33.3% of the roof area.

Personal Service Establishment: Retail establishments primarily engaged in providing individual services generally related to personal needs such as but not limited to a barber shop, hair salon, nail salon, drop-off/pick-up dry cleaning business or self-serve laundry, tailor, or shoe repair shop.

Phased Development: A development on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the development.

Planned Unit Development: A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate one or more land uses.

Porch: A covered area projecting from and structurally connected to a building.

Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
- b. **Pick-Up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. **Motorized Camper:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

Research and Development: An establishment used primarily for research, development, or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light

manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Definitions Associated with Restaurants

Restaurant: An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

Restaurant, Drive-In Food Service: A fast-order food service establishment that provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.

Restaurant, Fast-Order Food: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Right-of-Way: The line determining the public limit or ownership on a street or highway.

Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded in Section 5.

Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

Shed: ~~An -small-~~ accessory structure not greater than 80 square feet used for the storage of tools or equipment.

Definitions Associated with Signs

Sign: Any structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, including illuminated signs within a window. Awnings, marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of Section 6.2.

Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage: The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme

limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign, Awning: A sign applied directly to or incorporated as part of an awning.

Sign, Bracket: A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign Canopy: Roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

Sign, Freestanding: A sign not a part of or attached to any building but generally located elsewhere on a lot.

Sign, Ground: A free-standing sign located on or close to the ground, the top of which shall not be higher than 4 feet above the ground.

Sign, Permanent: Any sign as defined above, intended to be erected and maintained for more than 60 days.

Sign, Portable: A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

Sign, Projecting: Any sign which is attached to a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned

Sign, Roof: Any sign erected, constructed and maintained upon or over the roof of any building.

Sign, Standing or Pole: A free-standing sign not exceeding 15 feet in height with 8 feet of clearance under the sign area and erected upon supporting devices or stands.

Sign, Temporary: Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed 60 days.

Sign, Wall: A sign not exceeding 4 feet in height securely affixed to a wall projecting no more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: (a) 25 feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

Sign, Primary Wall: A sign on the building face fronting on a street or parking lot frontage.

Sign, Secondary Wall: A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed 50% of the maximum possible area of the primary wall sign.

Signs, Window: Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25% of the area visible from the exterior of the building.

Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, and in accordance with provisions of Section 3 of this Bylaw.

Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this Bylaw, the Arlington Redevelopment Board.

Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed a story when its ceiling is 4 feet 6 inches or more above the finished grade. A cellar shall not be deemed a story. An attic shall not be deemed a story if unfinished and not used for human occupancy.

Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet 3 inches or more.

Street: A public or private way which is 27 feet or more in right-of-way width, accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, bin, fence, sign, shed, or the like.

Tract: A unit or contiguous units of land under single ownership or control.

Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately

portable or no longer immediately portable because its wheels have been removed or skirts have been attached, shall not be considered a building in this Bylaw.

Definitions Associated with Use

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied, or maintained under this Bylaw.

Use, Substantially Different: A use which because of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment, or similar characteristics from the use to which it is being compared.

Variance: A departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and G.L. c. 40A, § 10.

Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Definitions Associated with Yard

Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Arlington, Massachusetts (“Board of Appeals” or “ZBA”).

SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING INSPECTOR; ENFORCEMENT

- A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the [interpretation-administration](#) and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector.
- C. No premises and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.

3.1.2. Enforcement.

- A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation, as provided in G.L. c. 40A, § 7. [Within fourteen \(14\) days of receipt of the request, if upon investigation and inspection the Building Inspector shall investigate the facts and inspect the alleged violation and, if the Building Inspector](#) finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at the address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.
- B. If after notice and demand the violation has not been abated within the time set by the Building Inspector, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation.
- C. If the Building Inspector determines that there is no violation, the Building Inspector shall give written notice of the decision to the complaining person within 14 days after the receipt of such request.

3.1.3. Appeal

An appeal to the Board of Appeals may be taken by any person aggrieved due to inability to obtain a permit or enforcement action from the Building Inspector, as provided in G.L. c. 40A, § 8, as amended.

3.1.4. Penalty.

- A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, Section 21D, institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense.
- B. The Building Inspector may, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount no to exceed three-hundred dollars (\$300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

3.2 ZONING BOARD OF APPEALS

3.2.1. Establishment.

There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the Board of Selectmen. All members of the Board shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

3.2.2. Powers.

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
- B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.
- C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 5.5.
- D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
- E. To hear and decide applications for comprehensive permits for construction of low or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.

3.2.3. Rules and Regulations

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board's regulations shall include rules for hiring outside consultants.

3.2.4. Fees

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with its review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations, in accordance with G.L. c. 44, § 53G and § 53G-1/2.

3.2.5. Repetitive Petitions

No appeal, or petition for a variance from the terms of this Bylaw denied by the Board of Appeals, or special permit denied by either the Board of Appeals or Arlington Redevelopment Board shall be considered again on its merits within two years from after the date of denial action except under the following circumstances:

- A. At least all but one member of the Arlington Redevelopment Board votes to allow the refiling of the application, and
- B. The Board that denied the initial application then finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based.

3.3 SPECIAL PERMITS

3.3.1. Special Permit Granting Authority

In this Bylaw, the Board of Appeals and Arlington Redevelopment Board have the power to grant special permits. The appropriate special permit granting authority is specifically designated where applicable.

3.3.2. Procedures

- A. Application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.
- B. Public Hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue and file a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

3.3.3. Decision Criteria

Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:

- A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

- B. The requested use is essential or desirable to the public convenience or welfare.
- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.
- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

3.3.4. Special Permit Conditions

Special permits may be granted with such reasonable conditions, [neighborhood](#) safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:

- A. Dimensional standards more restrictive than those set forth in Section 7 of this Bylaw;
- B. Screening buffers or planting strips, fences, or walls;
- C. Modification of the exterior appearance of the structures;
- D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;
- E. Limitations on signage, noise, or hours of operation of construction equipment;
- F. Regulation of number and location of driveways, or other traffic features;
- G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;
- H. Deadline to commence construction;
- I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;
- J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;
- K. Limitation on the term or duration of a special permit, with or without automatic renewals, to the extent allowed by law;

- L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

3.3.5. **Recording; Lapse**

- A. Special permits or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.
- B. Special permits shall lapse within three years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

3.4 **ENVIRONMENTAL DESIGN REVIEW**

3.4.1. **Purposes**

The purpose of Section 3.4 is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1.

3.4.2. **Applicability**

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and c) is one of the uses listed below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

- A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.
- B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, to be constructed within a two-year period.
- C. ~~Gasoline~~ Auto service stations.
- D. Single-room occupancy building or bed and breakfast, with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

- E. Nonresidential uses and hotels/motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- G. Mixed-Use
- H. Outdoor uses.
- I. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.
- J. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- K. Parking in the Open Space District.
- L. Medical Marijuana Treatment Center.
- M. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, [as provided and limited by the provisions of G.L. c. 40A, § 3](#), that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

3.4.3. Procedures

- A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.
- D. A favorable decision by the Board shall require the votes of at least four members.
- E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards

listed below to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.

3.4.4. Environmental Design Review Standards

The following standards shall be used by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards in order to administer this Section 3.4, and maintain those guidelines on file with the Department and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

- A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
- C. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
- D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- E. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and

reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

- F. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
- G. Advertising Features, subject to the provisions of Section 6.2 below. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- H. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- I. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
- J. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- K. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

- L. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED® performance objectives will be incorporated into the project.

SECTION 4. ESTABLISHMENT OF DISTRICTS

4.1 DISTRICTS

For purposes of this Bylaw, the Town of Arlington is divided into the following districts:

4.1.1. Use Districts

A. Residential

- (1) Residence 0 (R0)
- (2) Residence 1 (R1)
- (3) Residence 2 (R2)
- (4) Residence 3 (R3)
- (5) Residence 4 (R4)
- (6) Residence 5 (R5)
- (7) Residence 6 (R6)
- (8) Residence 7 (R7)

B. Business

- (1) Business 1 (B1)
- (2) Business 2 (B2)
- (3) Business 2A (B2A)
- (4) Business 3 (B3)
- (5) Business 4 (B4)
- (6) Business 5 (B5)

C. Other Districts

- (1) Industrial (I)
- (2) Multi-Use (MU)
- (3) Planned Unit Development (PUD)
- (4) Transportation (T)
- (5) Open Space (OS)

4.1.2. Overlay Districts

- (1) Floodplain District

~~(6)(2)~~ [Inland Wetland District](#) ~~(Reserved)~~

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, [MA](#)" [and dated May 19, 2015](#) (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

4.2.1. Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

- A. Where a boundary is indicated as a street, alley, railroad, transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined using the scale shown on the Zoning Map.
- C. Where a dimensioned boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- E. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.
- F. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."
- G. Whenever any uncertainty exists as to the exact location of a boundary line, the interpretation made by the Inspector of Buildings shall control pending appeal.

SECTION 5. DISTRICT REGULATIONS

5.1 GENERAL PROVISIONS

No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

5.2 USE REGULATIONS APPLICABLE IN ALL DISTRICTS

5.2.1. Permitted in All Districts

The following uses are permitted in all districts:

- A. Federal government use.
- B. Property of the Commonwealth to the extent exempt from local zoning under state law.
- C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

5.2.2. Prohibited Uses

- A. Any use not listed in the Tables of Uses for various districts in Section 6 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

5.2.3. Accessory Uses

An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

5.3 DIMENSIONAL REGULATIONS APPLICABLE IN ALL OR MULTIPLE DISTRICTS

5.3.1. Lot Area Per Dwelling Unit

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

5.3.2. Reduction of Lot Areas and Separation of Lots

- A. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Bylaw, nor may these areas include any property of which the ownership has been transferred after the effective date of this Bylaw if the property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- B. Lots separated or transferred in ownership must upon transfer either comply with the provisions of this Bylaw or be deemed noncompliant.

5.3.3. Spacing of Residential and Other Buildings on One Lot

- A. Where two or more main buildings to be used as dwellings are proposed for construction on property in one ownership or where one or more of the buildings are proposed on land where there are one or more existing residential buildings, the required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. However, the Board of Appeals or, for projects requiring Environmental Design Review, the Arlington Redevelopment Board, may grant a special permit to modify the yard dimensions between buildings designed and intended to remain under common ownership and management where it is demonstrated that there will result light and air of a standard no lower than would result from compliance with either Board's minimum requirements.
- B. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a mixed-use building with commercial uses on the ground floor and residential uses above), each building shall be independently provided with all required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.

5.3.4. Spacing of Nonresidential Buildings on the Same Lot

- A. Where two or more main buildings for nonresidential uses are proposed for construction on property in one ownership, the minimum required front, side, and rear yards shall be met only at lot lines abutting other property.
- B. For buildings in educational or religious use, the maximum floor area ratio requirements shall be less restrictive than as specified for the district in the following respects:
 - (1) Where several lots in one ownership and in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all lots may be aggregated in calculating floor area ratio.
 - (2) The maximum floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50%.

The Board of Appeals or Arlington Redevelopment Board, as applicable, may approve further modifications in the district's dimensional requirements to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

5.3.5. Land Area Included in Calculation of Floor Area Ratio

Land area to be included in calculating the maximum floor area shall include all contiguous lots under one ownership located in zoning districts with the same or greater maximum floor area ratio. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

- A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:
 - (1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.
 - (2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.5-6 are satisfied.
 - (3) Nonresidential properties listed as contributing structures in National Register Historic Districts shall be allowed an increase in floor area ratio up to a maximum of 2.6 by special permit.
- B. To aid the special permit granting authority in making the required findings, the applicant shall submit the materials required by 3.4 in addition to the usual drawings at the time of application.
- C. The additional gross floor area ~~granted~~ approved in accordance with this Section 5.3.65 shall not exceed the following percentages of the gross floor area permitted in the applicable district except for buildings in Subsection A(3)C above.

	R7, B5 Districts	R6, B2A, B4 Districts
Maximum Allowable:	33%	25%
Each Condition:		
Large lot	25%	20%
Low or moderate income	25%	20%
Extra open space	15%	10%
Public access	15%	10%
Preservation of landmarks	15%	10%
Large dwelling units	10%	5%

- D. The ~~S~~pecial ~~P~~ermit ~~G~~ranting ~~A~~uthority may approve additional gross floor area where any of the following conditions apply, subject to the limitations in Subsection C and in accordance with the goals of the Arlington Master Plan or other

[development plans and policies of the Town](#). The additional gross floor area shall be calculated separately for each condition based upon the gross floor area permitted in the applicable district.

- (1) For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio for the district by one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.
- (2) Where dwelling units are [age-restricted or](#) affordable ~~housing~~ units, the gross floor area for each affordable unit may be allowed in excess of the gross floor area for the district.
- (3) Where landscaped open space or usable open space is provided in excess of the minimum required in the district, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of either kind of open space in excess of the minimum requirements. The minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.
- (4) For a dwelling with an average gross floor area per dwelling unit more than 1,100 square feet, excess gross floor area may be allowed above the maximum for the district. Any gross floor area to be used for offices or other nonresidential principal use shall not be included in calculating the average gross floor area per dwelling unit.
- (5) When usable land is deeded or an easement granted for public access and use, additional gross floor area may be allowed at the ratio of 10 square feet of gross floor area to one square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.
- (6) When architecturally or historically significant buildings, as listed in the “Inventory of Historically or Architecturally Significant Properties in the Town of Arlington”, are preserved, additional gross floor area may be allowed at the rate of eight square feet of gross floor area to each one square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

5.3.7. Screening and Buffers: Industrial and Business Districts and Parking Lots

- A. Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft
B3, B2A, B4	R0 through R5	125 ft
I	R6 through R7	10 ft
B1, B2	R0 through R5	10 ft

The strip shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

- B. For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.

5.3.8. Corner Lots and Through Lots

- A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
- B. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

5.3.9. Projections into Minimum Yards

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.
- B. Unenclosed steps, ~~an unroofed porch~~ decks, and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, ~~unroofed porches~~ decks, and the like which do not project more than 10 feet into the required

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rear yard and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built

- C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

5.3.10. Average Setback Exception to Minimum Front Yard; All R Districts

Where the required lot frontage of developed residential lots along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

5.3.11. Dimensional Requirements for Courts

Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard in the district shall be provided between the wings, but not less than 25 feet.

5.3.12. Traffic Visibility

- A. Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.
- B. Visibility for Driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

5.3.13. Accessory Underground Structures

- A. Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where landscaped open space is required, no underground structure or building shall be located beneath more than 50% of the required landscaped open space, nor nearer to any lot line for more than 75% of the length of the lot line.

5.3.14. Yards for Townhouse Structures

- A. One townhouse structure shall be separated from the end of another townhouse structure by a distance not less than two times the minimum side yard of the district in which the site is located.
- B. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less

than the sum of the minimum front and rear yards specified for the district in which they are located.

5.3.15. Buildings of Uneven Height or Alignment

- A. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either $(H^1 + L^1)/6$ or $(H^2 + L^2)/6$ whichever is greater, where:

H^1 = the height of the taller portion of the building;

H^2 = the height of the lower portion of the building;

L^1 = the length of the taller portion of the building; and

L^2 = the entire length of the building.

Where the formula $10 + L/10$ applies, L shall be defined as L^2 above.

- B. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be $(H + L^1)/6$ for the portion of the building nearer the lot line; and $(H + L^2)/6$ for the portion of the building further from the lot line, where:

H = the height of the building;

L^1 = the length of the portion of the building nearer the lot line; and

L^2 = the entire length of the building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 + (L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

- C. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

- (1) Where the taller part of the building is nearer to the lot line required yards and setbacks shall be $(H^1 + L^1)/6$ for the portion of the building nearer to the lot line; and $(H^2 + L^2)/6$ for the portion of the building further from the lot line, where:

H^1 = the height of the taller part of the building;

H^2 = the height of the lower part of the building;

L^1 = the length of the taller part of the building; and

L^2 = the entire length of the building.

- (2) Where the formula $10 + (L/10)$ applies, required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 +$

$(L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

- (3) Where the taller part of the building is further from the lot line, required yards and setbacks shall be $(H^1 + L^2)/6$ for the portion of the building further from the lot line; and $(H^2 + L^1)/6$ for the portion of the building nearer the lot line, where:

H^1 = the height of the taller part of the building;

H^2 = the height the lower part of the building;

L^1 = the length of the lower part of the building; and

L^2 = the length of the entire building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L^1/10)$ for the portion of the building nearer the lot line; and $10 + (L^2/10)$ for the portion of the building further from the lot line, with L^1 and L^2 defined as above.

5.3.16. Yards or Setbacks for Lots Adjoining a Street or Public Open Space

In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

5.3.17. Upper-Story Building Step Backs

For buildings more than three stories in height, an additional 7.5-foot step-back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys.

5.3.18. Balconies and Roof as Portion of Usable Open Space

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50% of the usable open space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

5.3.19. Reduced Height Buffer Area

- A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within 200 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 feet
Southerly, between southeast and southwest	Within 100 feet

5.3.20. Maximum Height Exceptions

In any district, the maximum height limitations shall not apply to the following:

- A. Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings;
- B. Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building;

5.3.21. Supplemental Requirements in the Business and Industrial Districts

- A. Screening and Buffers: Industrial and Business Districts and Parking Lots

- (1) Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft
B3, B2A, B4	R0 through R5	15 ft
I	R6 through R7	10 ft
B1, B2	R0 through R5	10 ft

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot.

Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

- (2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.
- B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.

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- C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. [Reference Section 5.3.17.](#)
- D. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2, the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

5.3.22. Gross Floor Area

For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:

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- A. Elevator shafts and stairwells on each floor;
- B. Attic areas with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (L) below;
- C. Interior mezzanines;
- D. Penthouses;
- E. Basement areas except as excluded in (J) below;
- F. Cellars in residential uses;
- G. All-weather habitable porches and balconies; and
- H. Parking garages except as excluded in (I) below.

For the purposes of this bylaw, the follow areas of buildings are to be excluded from the calculation of Gross Floor Area:

- I. Areas used for accessory parking, or off-street loading purposes;
- J. Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
- K. Open or latic enclosed exterior fire escapes;
- L. Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
- M. Unenclosed porches, balconies, and decks.

~~D-N.~~

5.4 RESIDENTIAL DISTRICTS

5.4.1. Districts and Purposes

The Town of Arlington has established eight residential districts to accommodate a variety of single-family, two-family, duplex, three-family, and multi-family apartment dwellings, as

well as offices in some cases, in locations that are appropriate for the permitted uses and density of development. The boundaries of the districts are as shown on the Zoning Map.

- A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.
 - (1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (3) R2: Two-Family District. The predominant use in R2 is a two-family dwelling or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
- B. R3 and R4. The R3 and R4 districts are established residential areas in or adjacent to the commercial centers along Broadway and Massachusetts Avenue.
 - (1) R3: Three-Family District. The predominant use in the R3 district is a three-family dwelling. It is the Town's intent that no businesses will be located in the R3 district. The Town discourages uses that would detract from the small-scale multifamily residential character of these neighborhoods, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
 - (2) R4: Town House Districts. The predominant uses in the R4 district are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.
- C. R5, R6, and R7. The R5, R6, and R7 districts are apartment districts in which a variety of uses and different densities of development are allowed. for median-density (R6) and high-density (R7) residential development. Most of these districts are along Massachusetts Avenue and Pleasant Street, primarily within or adjacent to Arlington Center.

- (1) R5: Apartment District/Low Density. The predominant use is two- to three-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- (2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to four stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.
- (3) R7: Apartment District/High Density. The High-Density Apartment District accommodates apartments up to five stories high and offices of a similar scale. The Town discourages uses that would detract from the desired character of these areas, such as large-scale retail uses, or otherwise interfere with the intent of this Bylaw.

5.4.2. Dimensional and Density Requirements

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

N/A Not applicable
 Sq.ft. Square feet
 ft Feet
 L Length
 H Height
 W Width
 ROW Right-of-Way
 SP Special Permit
 Y Yes (use allowed)

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A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R0	9,000	-----	75
R1, R2	6,000	-----	60
R3		-----	60
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling; or other permitted structure except townhouse	5,000	-----	45
Townhouse structure	-----	2,500	45
R4			

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Minimum Requirement			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling	6,000	-----	60
Three-family dwelling	7,500	-----	70
Townhouse structure	30,000	2,500	100
Apartment conversion	12,500	2,500	80
Nursing home, dormitory, or lodging house single-room occupancy conversion	20,000	-----	100
Any other permitted structure	6,000	-----	60
R5			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling , three-family dwelling	6,000	-----	60
Townhouse, apartment building	20,000	1,450	100
Other permitted structure	6,000	-----	60
R6			
Single or two-family dwelling, duplex house duplex dwelling , three-family dwelling	5,000	-----	45
Townhouse structure, apartment building-house , or office structure	20,000	700	100
Other permitted structure	6,000	-----	60
R7 Any permitted principal structure	20,000	550	100

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
R0, R1, R2	25 <u>(R2=20)</u>	10	
Rear (lot depth 100 ft. or more)			20
Rear (lot depth <100 ft.)			20% lot depth
R3			
Single-family detached dwelling, two-family dwelling, duplex <u>dwellinghouse</u> , three-family dwelling; or other permitted structure except townhouse	10	One side: min. 10 Sum of two sides: min. 16	20
Townhouse structure	10	10	20
Accessory buildings and garage structures	10	6	6
R4			
Single-family detached dwelling, two-family dwelling, duplex <u>dwellinghouse</u>	25	10	20
Three-family dwelling	25	10	20
Townhouse structure	25	15	25
Apartment conversion	25	10	20
Nursing home, dormitory, or lodging houses <u>single-room occupancy</u> conversion	25	25	25
Any other permitted structure	25	15	20
Accessory buildings and garage structures	25	6	6
R5			
Single-family detached dwelling, two-family dwelling, duplex <u>dwellinghouse</u> , three-family dwelling	20	10	20
Townhouse, apartment building	15	10+(L/10)	25
Other permitted structure	20	20	20
Accessory buildings and garage structures	20	6	6
R6			
Single or two-family dwelling, duplex <u>dwellinghouse</u> , three-family dwelling	10	One side: min. 10 Sum of two sides: min. 16	20
Townhouse structure, apartment <u>buildinghouse</u> , or office structure	15+(H/10)	(H+L)/6	(H+L)/6
Other permitted structure	20	10	20
Accessory buildings and garage structures	20	10	10
R7			
Any permitted principal structure	15+(H/10)	(H+L)/6 At least 20'	(H+L)/6 At least 20'
Accessory buildings and garage structures		20	20

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.154 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R0			
Any permitted structure	10%	30%	35%
R1, R2			
Permitted residential structure	10%	30%	35%
Any other permitted structure	30%		
R3			
Single-family detached dwelling, two-family dwelling, duplex dwellinghouse , three-family dwelling; or other permitted structure except townhouse	10%	30%	----
Townhouse structure	10%	30%	----
Any other permitted structure	30%	----	----
R4			
Single-family detached dwelling, two-family dwelling, duplex dwellinghouse , three-family dwelling	10%	30%	35%
Townhouse structure	10%	30%	----
Apartment conversion	10%	30%	35%
Nursing home, dormitory, or lodging houses single-room occupancy conversion	30%	----	----
Any other permitted use	30%	----	----
R5			
Single-family detached dwelling, two-family dwelling, duplex dwellinghouse , three-family dwelling	10%	30%	----
Townhouse, apartment building	10%	30%	----
Other permitted structure	30%	----	----
R6			
Single or two-family dwelling, duplex dwellinghouse , three-family dwelling	10%	30%	----
Townhouse structure, apartment buildinghouse , or office structure	10%	25%	----
Other permitted structure	10%	----	----
R7			
Any permitted principal structure	10%	15%	----

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1			
Single Family detached dwelling	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R2			
Single family detached dwelling, two-family dwelling or duplex dwellinghouse	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R0, R1, R2			
Minor accessory building (80 sq. ft. or less)	7	-----	-----
Accessory structures (Over 80 sq. ft.) and Private Garages	20	-----	-----
R3			
Principal building or structure	35	3	0.75
Detached accessory structure (>80 sq. ft.)	20	2	-----
Detached accessory structure (<= 80 sq. ft.)	7	1	-----
R4			
Single-family detached dwelling, two-family dwelling, duplex dwellinghouse	35	2 ½	-----
Three-family dwelling	35	3	-----
Townhouse structure	35	3	0.70
Apartment conversion	40	3	-----
Nursing home, dormitory, or lodging housesingle-room occupancy conversion	35	3	-----0.70-
Any other permitted structure	35	2 ½	0.35
Detached accessory structure (>80 sq. ft.)	20	2	-----
Detached accessory structure (<= 80 sq. ft.)	7	1	-----
R5			
Any residential or other principal structure	35	3	0.80
Detached accessory structure (>80 sq. ft.)	20	2	N/A
Detached accessory structure (<= 80 sq. ft.)	7	1	N/A
R6			
Principal building or structure	35	3	0.8
Townhouse, apartment buildinghouse, or office on more than 20,000 sq. ft.	40 35	4 3	1.2
Detached accessory structure (>80 sq. ft.)	20	2	-----
Detached accessory structure (<= 80 sq. ft.)	7	1	-----
R7			
Any permitted principal structure	40 / 60	5	1.50

- B. Exceptions to Minimum Lot Area, [Minimum Front Yard Lot Width](#), Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.
- (1) The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If ~~such lot did not contain a building permit for construction~~ [principal building or a building permit](#) was not issued prior to August 28, 1975, the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:
 - The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
 - The lot was not held in common ownership with any adjoining land, and
 - The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
 - The minimum open space requirements of this section are satisfied.
 - (2) Exemption for particular streets. The following shall apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street if shown on separate subdivision plans recorded with the Registry of Deeds prior to August 28, 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot.
 - (3) RO District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.
 - (4) [Front Yard Minimum Lot Width Requirements and Exceptions](#). The minimum [front yard](#) lot width ~~of shall be~~ 50 feet [measured along lines parallel to the front lot line, except that such minimum front yard lot width](#) shall not apply to (i) any lot excepted under Section 5.4.2(B)(~~13~~) or [5.4.2\(B\)\(2\)](#) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.
 - (5) Calculation of Building Height. On a lot with a slope more than 5%, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.

- (6) Large Additions. No alteration or addition which increases the gross floor area of a building by 750 square feet or more, or by 50% or more of the building's gross floor area on the date of application for a permit or because of cumulative alterations or additions during the previous two years, shall be allowed unless:

- The addition is constructed entirely within the existing foundation, or
- The Board of Appeals, [acting pursuant to Section 3.3](#), finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.2.

5.4.3. Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Six or more single family dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP	SP	SP
Two-family dwelling, duplex			Y	Y	Y	Y	Y	Y
Six or more units in two-family dwellings or duplex dwellings on one or more contiguous lots			SP	SP	SP	SP	SP	SP
Three-family dwelling				SP	SP	SP	SP	SP
Townhouse				SP	SP	SP	SP	SP
Apartment building						SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					SP	SP		
Licensed lodging houses single-room occupancy building				SP	SP	SP	SP	SP
Single-room occupancy building				SP	SP	SP	SP	SP
Group home	Y	Y	Y	Y	Y	Y	Y	Y
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Assisted living residence							SP	
Dormitory (Note: permitted if associated with an educational or religious use permitted if use is for educational or religious purposes)			SP	SP	SP	SP	SP	SP
Conversion to apartment at a maximum density of 18 dwelling units per acre with no exterior alteration				SP	SP			
Conversion of one or two-family structure to licensed bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP
Institutional, Educational								
Community center, youth club,	SP	SP	SP	SP	SP	SP	SP	SP

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
adult education center, or similar facility operated by a non-profit institution (Note: permitted if associated with an educational or religious use permitted if use is for educational or religious purposes.)								
Nonprofit, members-only private club or lodge				SP		SP	SP	SP
Nursing home, rest home, convalescent home	SP	SP	SP	SP	SP	SP	SP	SP
Town or nonprofit cemetery, mausoleum, or crematorium	SP	SP						
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: permitted if associated with an educational or religious use permitted if use is for educational or religious purposes.)	SP	SP	SP	SP	SP	SP	SP	SP
Agricultural								
Farm on less than 5 acres unless otherwise exempt under G.L. c. 40A, §3, and without livestock or poultry, or market garden provided that all goods or produce sold are grown on the premises.	Y	Y	Y	Y	Y	Y	Y	Y
Public, Recreational, Entertainment								
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business	SP	SP	SP	SP	SP	SP	SP	SP
Municipal or non-profit recreation building				Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP	SP	SP	SP	SP	SP
Fire station				Y	Y	Y	Y	Y
Police station				Y	Y	Y	Y	Y
Town office building				Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities				SP	SP	SP	SP	SP
Utility, Transportation, Communications								
Essential services	SP	SP	SP	SP	SP	SP	SP	SP
Radio or television studio or receiving facility; no wireless transmitting facilities							Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP						

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5-20 / DISTRICTS & USES

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP	SP	SP
Commercial off-street parking area or structure for the parking or storage on a fee basis of automobiles and light commercial vehicles with a rated capacity of 1 ton or less provided no repairs, servicing or sale of gasoline is carried out on the premises							SP	SP
Non-residential parking lot serving a business use located in and entered from an adjoining B3 or B5 district, provided that: <ul style="list-style-type: none"> No business, sales, service, or loading operations are performed on the lot, and The lot complies with the screening provisions of Section 6.1. 	SP	SP	SP	SP	SP	SP	SP	SP
Residential surface parking lot serving residential uses in another district provided that: <ul style="list-style-type: none"> The lot used for parking abuts the residential property it serves for at least 50 ft.; and Both lots are under common ownership; and The parking lot complies with the screening provisions of Section 6.1. 	SP	SP	SP	SP	SP	SP	SP	SP
Wireless Communications Facility								
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP			SP	SP	SP
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building						SP	SP	SP
In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building	SP	SP			SP			
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y	Y	Y
Personal, Consumer and Business Services								
Funeral Home						SP	SP	SP
Eating & Drinking Establishments								
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more								SP

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Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Retail								
Retail, general, with more than 3,000 sq. ft. of gross floor area								SP
Retail, local, with less than 3,000 sq. ft. of gross floor area								SP
Office Uses								
Business, professional or medical/ clinic offices								
• Less than 3,000 sq. ft. gross floor area per building					SP	SP	Y	Y
• 3,000 sq. ft. or more gross floor area per building							SP	SP
• In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance and fronts on a street with at least 50 foot right-of-way					SP	SP	Y	Y
Commercial Entertainment, Amusement, Assembly Uses								
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP		
Research, Laboratory, Related Uses								
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area						SP	SP	SP
Light Industry								
Research & development								SP
Accessory Uses								
Renting of up to three rooms	SP	SP	SP	SP	SP	SP	SP	SP
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard	Y	Y	Y	Y	Y	Y		
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y	Y	Y
Home occupation <i>Note: Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.9.18.</i>	Y	Y	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP		
Accessory retail, office, or consumer service use in an apartment dwelling-building over 20,000 sq. ft. in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in							SP	Y

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5-22 / DISTRICTS & USES

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
connection with said uses shall be confined completely within the building								
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building							SP	SP
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y	Y	Y
The storage or keeping of not more than one commercial vehicle:								
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	SP	SP	SP	SP	SP	SP	SP	SP
• Parking of not more than 4 commercially-owned shared vehicles					SP	SP	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	SP	SP	SP	SP	SP	Y	Y
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y	Y	Y
Fundraising event by an Arlington non-profit organization with appropriate permits and no automated amusements	Y	Y	Y	Y	Y	Y	Y	Y
Other accessory use	SP	SP	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use					SP	SP	Y	Y
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	SP	SP	SP	SP	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility	SP	SP	SP	SP	SP	SP		
Catering service								Y
Keeping of up to six hen chickens if they are:	Y	Y	Y					
• Used only for noncommercial purposes, and								
• Permitted by Arlington Board of Health, and								
• Kept in an enclosure in the rear yard at least six feet from all property lines and at least 25 feet from residences on abutting lots								
Temporary seasonal signage as part of a signage plan at a fenced athletic field with one or more permanent structures to seat more	SP							

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Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
than 300 people								

5.5 BUSINESS DISTRICTS

5.5.1. Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

- A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- B. B2: Neighborhood Business District. The Neighborhood Business District is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Locations are almost all along Massachusetts Avenue or Broadway. The Town discourages uses that would detract from the district's small-scale business character or otherwise interfere with the intent of this Bylaw.
- C. B2A: Major Business District. The B2A district is located along Massachusetts Avenue, Mill Street, Summer Street, and Broadway. These areas generally contain retail and service uses that serve the needs of a large neighborhood area. Customers generally arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer. Mixed-use buildings are allowed in this district, as is medium-density housing due to the district's proximity to residential uses. Specifically prohibited uses include (but are not limited to) automotive uses, some office uses, and wholesale business and storage uses.
- D. B3: Village Business District. The Village Business District's predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.
- E. B4: Vehicular Oriented Business District. The Vehicular Oriented Business District provides for establishments that are primarily oriented to automotive traffic, which means they require large amounts of land in proportion to building coverage. This district also consists of establishments devoted to the sale or servicing of motor

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vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an abundance of automotive and automotive accessory sales and service establishments. As these businesses gradually close, the Town has encouraged conversion of the property to other retail, service, office, or residential use, particularly as part of mixed-use development.

- F. B5: Central Business District. The Central Business District is a small district in Arlington Center. It includes retail, service, and office uses, and it provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. The Town discourages businesses that consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this Bylaw.

5.5.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business districts. Additional regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES
N/A Not applicable
Sq.ft. Square feet
ft Feet
L Length
H Height
W Width
ROW Right-of-Way
SP Special Permit
Y Yes (use allowed)

LEGEND FOR TABLES
N/A Not applicable
Sq.Ft square feet
ft feet
L length
H height
W width
ROW Right of Way
SP Special Permit

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A. Tables of Dimensional and Density Regulations

B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft)
B1			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	6,000	2,500	60
Mixed-use	-----	-----	50
Any other permitted use	5,000	2,500	50
B2			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	6,000	2,500	60
Townhouse or apartment <u>building</u>	5,000	1,450	50
Mixed-use	-----	-----	50
	20,000		0
Any other permitted use	5,000	1,450	50
B2A		-----	60
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW =<50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100
Mixed-use	-----	-----	50
	>20,000		50
Any other permitted use	-----	-----	50
B3			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	6,000	2,500	60
Townhouse or apartment <u>building</u>	20,000	600	100
Mixed-use	-----	-----	50
	>20,000	600	50
Any other permitted use	-----	600	50
	20,000	600	100
B4			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	6,000	2,500	60
Apartments on street w/ ROW =<50 ft.	20,000	1,450	100
Apartments on street w/ ROW >50 ft.	20,000	700	100
Mixed-use	-----	-----	50
	>20,000	700	50
Any other permitted use	-----	-----	50
B5			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	6,000	2,500	60
Townhouse or apartment <u>building</u>	20,000	550	100

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	Minimum Requirement		
Mixed-use	-----	-----	50
	>20,000	700	50
Any other permitted use	-----	600	50
On a lot >= 40,000 sq. ft.		550	100
On a lot >= 80,000 sq. ft.		550	150

B District Yard and Open Space Requirements

	Minimum Requirement		
District Use	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
B1			
Single-family detached dwelling, two-family dwelling, duplex housed duplex dwelling, three-family dwelling	20	10	20
Mixed use	20	10	20
Any other permitted use	20	10	20
B2			
Single-family detached dwelling, two-family dwelling, duplex housed duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	20	10	20
Mixed use	-----	-----	10+(L/10)
	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B2A			
Single-family detached dwelling, two-family dwelling, duplex housed duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW =<50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft)
Mixed-use	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B3			
Single-family detached dwelling, two-family dwelling, duplex housed duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6	(H+L)/6
Mixed-use	0	0	(H+L)/6
	0	0	(H+L)/6
Any other permitted use	-----	-----	(H+L)/6
	-----	-----	(H+L)/6
B4			
Single-family detached dwelling, two-family dwelling, duplex housed duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW =<50 ft.	15	10+(L/10)	30
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H+L)/6 (at least 30 ft.)
Mixed-use	0	0	10+(L/10)
Any other permitted use	-----	-----	10+(L/10)
B5			
Single-family detached dwelling, two-family dwelling, duplex housed duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft)	(H+L)/6 (at least 20 ft.)
Mixed-use	0	0	(H+L)/6

	Minimum Requirement		
	0	0	(H+L)/6
Any other permitted use	-----	-----	(H+L)/6

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.154 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B1			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	10%	30%	N/A
Mixed-use	10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A
B2			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	10%	20%	N/A
Townhouse or apartment building	10%	20%	N/A
Mixed-use	10%	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B2A			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	10%	30%	N/A
Apartments on street w/ ROW =<50 ft.	10%	20%	N/A
Apartments on street w/ ROW >50 ft.	10%	20%	N/A
Mixed-use	-----	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B3			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	10%	30%	N/A
Townhouse or apartment building	10%	20%	N/A
Mixed-use	-----	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A
B4			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	10%	30%	N/A
Apartments on street w/ ROW =<50 ft.	10%	30%	N/A
Apartments on street w/ ROW >50 ft.	10%	20%	N/A
Mixed-use	-----	Sec. 5.3.20	N/A
Any other permitted use	10%	Sec. 5.3.20	N/A
B5			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-	10%	20%	N/A

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	Minimum/Maximum Requirement		
family dwelling			
Townhouse or apartment building	10%	15%	N/A
Mixed-use	----- 10%	Sec. 5.3.20	N/A
Any other permitted use	20%	Sec. 5.3.20	N/A

B District Building Height and Floor Area Ratio Regulations

District Use	Maximum Allowed		
	Maximum Height (ft)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
B1			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	35	2 ½	0.75
Mixed-use	35	2 ½	0.75
Any other permitted use	35	2 ½	0.75
B2			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	35	2 ½	0.75
Townhouse or apartment building	35	3	1.00
Mixed-use	50	4*	1.50
	40	3	1.00
		*See Sec 5.3.20	
Any other permitted use	35	2 ½	1.00
B2A			
Single-family detached dwelling, two-family dwelling, duplex house duplex dwelling, three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft. or/ ROW >50 ft.	35 / 40	3 / 4	0.80 / 1.20
Mixed-use	50	4	1.50
	40	3	1.00
Any other permitted use	35	3	1.00
B3			
Single-family detached dwelling, two-family dwelling, duplex dwelling house , three-family dwelling	35	2 ½	0.75
Townhouse or apartment building	60	5	1.40
	40	3	
Mixed-use	60	5*	1.50
	40	3	1.40
Any other permitted use	60	5	1.00
	40	3	1.40
B4			
Single-family detached dwelling, two-family dwelling, duplex dwelling house , three-family dwelling	35	2 ½	0.75
Apartments on street w/ ROW =<50 ft. or/ ROW >50 ft.	35 / 40	3 / 4	0.80 / 1.20
Mixed-use	50	4*	1.50
	40	3	1.00
Any other permitted use	35	3	1.00
B5			
Single-family detached dwelling, two-family dwelling, duplex dwelling house , three-family dwelling	35	2½	0.75
Townhouse or apartment building	75	N/A	1.40
	40		

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	Maximum Allowed		
	60 / 50 60 / 40	5 / 4* 5 / 3*	1.80 1.40
Mixed-use			
Any other permitted use	60 / 40 75 75/40	5/3 N/A N/A	1.40 1.50 1.80

5.5.3. Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
Residential						
Single-family detached dwelling	Y	Y	Y	Y	Y	Y
Two-family dwelling, duplex dwelling	Y	Y	Y	Y	Y	Y
Six or more single-family dwellings or six or more units in two-family dwellings or duplex dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP
Three-family dwelling	SP	SP	SP	SP	SP	SP
Townhouse	SP	SP	DP	SP		SP
Apartment building		SP	SP	SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building					SP	SP
Single-room occupancy building	SP					SP
Group home	Y	Y	Y	Y	Y	Y
Hotel/Motel			SP	SP	SP	SP
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP
Assisted living residence				SP		
Dormitory (Note: permitted if associated with an educational or religious use permitted if use is for educational or religious purposes.)	SP	SP	SP	SP	SP	SP
Institutional, Educational						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: permitted if associated with an educational or religious use permitted if use is for educational or religious purposes.)	SP	SP	SP		SP	
Nonprofit, members-only private club or lodge	SP	SP	SP	SP	Y	SP
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y	Y	Y	Y	Y
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: permitted if associated with an educational or religious use permitted if use is for educational or religious purposes.)	SP	SP	SP	SP	SP	SP
Agricultural						
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse		Y	Y	Y	Y	Y
Farm on less than 5 acres unless otherwise exempt under G.L. c. 40A, §3, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	Y	Y
Public Recreational, Entertainment						
Conservation land	Y	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar	Y	Y	Y	Y	Y	Y

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outdoor recreation facility						
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility not conducted as a private gainful business						SP
Municipal or non-profit recreation building	Y	Y	Y	Y	Y	Y
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP	SP	SP	SP
Fire station	Y	Y	Y	Y	Y	Y
Police station	Y	Y	Y	Y	Y	Y
Town office building	Y	Y	Y	Y	Y	Y
Municipal public works yard and associated maintenance, storage, and office facilities	SP	SP	SP	SP	SP	SP
Utility, Transportation, Communications						
Bus, rapid transit, railroad station		SP	SP	SP	SP	SP
Motor freight terminal					SP	
Essential services	SP	SP	SP	SP	SP	SP
Radio or television studio or receiving facility without wireless transmitting facilities	Y	Y	SP	Y	Y	Y
Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction		SP				
Municipal or other public parking area or structure	SP	SP	SP	SP	SP	SP
Commercial parking or vehicle storage facility, with no repairs, servicing or sale of gasoline		SP	SP	SP	SP	SP
Residential surface parking lot serving residential uses in another district provided that:						
<ul style="list-style-type: none"> The lot used for parking abuts the residential property it serves for at least 50 ft.; and Both lots are under common ownership; and The parking lot complies with the screening provisions of Section 6.1. 	SP	SP	SP	SP	SP	SP
Wireless Communication Facility						
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP		SP
In a building other than a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building		SP	SP	SP	SP	SP
In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building	SP					
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	Y	Y
Commercial & Storage Uses						
Motor vehicle sales and rental, sale of auto parts, and accessory storage entirely within an enclosed structure, provided the neighborhood is protected from noise, fumes, gases, smoke and vapor						SP
Outdoor sales and storage of undamaged, operable automobiles						SP
Auto repair garageshop , not including a junkyard or open storage of abandoned vehicles, body work or						SP

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auto painting						
Car wash facility					SP	
Automobile service station					SP	
Personal, Consumer and Business Services						
Copy center or print shop for sheet-fed printing		Y	Y	Y	Y	Y
Bank, credit union or other financial service; <2,000 sq. ft.		Y	Y	Y	Y	Y
2,000 sq. ft. or more, or any drive-up banking service			SP	SP	SP	SP
Personal service establishment		Y	Y	Y	Y	Y
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		SP	Y	Y	Y	Y
Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time)	SP	Y	Y	Y	Y	Y
Funeral Home	Y	Y	SP	Y		Y
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building		Y	Y	Y	Y	Y
Eating & Drinking Establishments						
Restaurant						
< 2,000 sq. ft. gross floor area	SP	Y	Y	Y		Y
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP	SP	SP	SP	SP
Restaurant, Fast-Order Food						
< 1,500 sq. ft. in gross floor area		Y	Y	Y		Y
=> 1,500 sq. ft., and any restaurant that is principal use on lot greater than 10,000 sq. ft. or more		SP	SP	SP		SP
Restaurant, Drive-In Food Service					SP	
Catering service			SP	SP	Y	
Retail						
Retail, general, >3,000 sq. ft. gross floor area	SP	SP	SP	SP	SP	SP
Retail, local; <3,000 sq. ft.		Y	Y	Y	Y	Y
Manufacture, assembly, packaging of goods provided that at least 50% of such goods are sold at retail primarily on the premises						
<1,000 sq. ft.		Y	Y	Y	Y	Y
=>1,000 sq. ft.		SP	SP	SP	SP	SP
Office Uses						
Including but not limited to professional, business, or medical offices						
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y	Y	Y	Y
• 3,000 sq. ft. or more gross floor area per building		SP	SP	SP	SP	SP
• Office, display or sales space with no more than 25% of floor space used for assembly, packaging or storage of commodities			SP	SP	Y	Y
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on street with ROW of at least 50 ft.	SP					
• With ROW less than 50 ft.	SP	SP		SP	SP	SP

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Wholesale Business & Storage						
Wholesale business in enclosed facility	SP				SP	
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises, based on business receipts.					SP	
Open or enclosed storage of vehicles					SP	
Commercial Entertainment, Amusement, Assembly Uses						
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP	SP	SP	SP
Outdoor entertainment and recreation facilities			SP	SP		
Enclosed entertainment and recreation facilities conducted for a profit		SP	SP	SP	SP	SP
Indoor Motion Picture Theater		SP	SP	SP	SP	SP
Adult Uses						SP
Research, Laboratory, Related Uses						
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area	SP	SP	SP	SP	SP	SP
Research and development establishment		SP	SP	SP	SP	SP
Light Industry						
Laundry or dry cleaning plant					SP	
Printing, binding, engraving plant				SP	SP	
Contractor's or Building Tradesman's yard					SP	
Stone cutting, shaping, finishing in enclosed facility					SP	
Truck service and repair					SP	
Light manufacturing <u>provided dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor in enclosed facility or disposed of properly and provided no noise or vibration is perceptible without instruments at a distance greater than 50 feet</u>					SP	
Other Principal Uses						
Medical Marijuana Treatment Center				SP		SP
Artisanal fabrication	SP	SP	SP	SP	SP	SP
Artistic/creative production	SP	Y	Y	Y	Y	Y
Mixed-use	SP	SP	SP	SP	SP	SP
Accessory Uses						
Renting of up to three rooms	Y	Y	Y	Y	Y	Y
Accessory private garage for noncommercial motor vehicles	Y	Y	Y	Y	Y	Y
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard					Y	
Accessory structure not used as part of business	Y	Y	Y	Y	Y	Y
Home occupation or office (Note: requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.9.18)	Y	Y	Y	Y	Y	Y
Physician or Clergy office within a residence with up to 1 nonresident employee	Y	Y	Y	Y	Y	Y
Family child care	SP	SP	SP	SP	SP	SP

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Accessory retail or office use in apartment building over 20,000 square feet in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building		Y	Y	Y	Y	Y
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building			Y		Y	Y
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	Y	Y	Y
The storage or keeping of not more than one commercial vehicle:						
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles	SP	Y	Y	Y	Y	Y
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town	SP	Y	Y	Y	Y	Y
Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building.	SP	SP	SP	SP	SP	SP
Temporary food or beverage concession for profit at an event	Y	Y	Y	Y	Y	Y
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y	Y	Y	Y
Other accessory use customarily incidental to permitted primary use	SP	SP	SP	SP	SP	SP
Activities accessory to a permitted use that are necessary in connection with scientific research	SP	SP	SP	SP	SP	SP
Up to three dwelling units in a building containing a business or service use	SP	SP	SP	SP	SP	SP
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y	Y	Y	Y	Y
Cable television studio and/or head end site including antenna and satellite reception facility			SP			
Catering service	Y	Y	Y	Y	Y	Y

5.6 OTHER DISTRICTS

5.6.1. Districts and Purposes

- A. MU: Multi-Use. The Multi-Use District allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review. Designation as a Multi-Use District requires a minimum of one acre of land.
- B. I: Industrial District. The Industrial District allows uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise,

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appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without residential space by Special Permit.

- C. T: Transportation District. In the Transportation District, the principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this Bylaw are prohibited.
- D. PUD: Planned Unit Development District. The Planned Unit Development District provides for large scale, multi-use development upon approval of a development plan and the assembly of a large amount of land.
- E. OS: Open Space District. The Open Space District includes parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the [principle-principal](#) open space and recreation functions of the property.

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

A. Tables of Dimensional and Density Regulations

Other District Lot Regulations

	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft)/ Lot Width
MU	40,000	-----	-----
I, OS	-----	-----	-----
T	6,000	-----	60
PUD	200,000	-----	-----

Other District Yard and Open Space Requirements

	Minimum Requirement		
	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
MU	$(H+L)/6^A$	$(H+L)/6^A$	$(H+L)/6^A$
I	10	10	10
T	25	10	20
PUD	^B	^B	^B
OS	-----	-----	-----

^A Not less than 30 feet.

^B Buildings may be built to any street line provided the street exceeds 60 feet in width or the zoning on the opposite side of the street is not R2. In all other areas, buildings shall be set back one-quarter of the height

	Minimum Requirement
of the average of principal buildings along the lot line but at least 25 feet from all front, side, and rear lot lines.	

Other District Open Space and Lot Coverage

	Minimum/Maximum Requirement		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
MU	-----	-----	40%
I, T, OS	-----	-----	-----
PUD	Sec. 5.6.2(B)		-----
All permitted uses	30%	-----	-----
Mixed-use	-----	-----	-----

All Other District Maximum Height and Floor Area Ratio

	Requirement		
	Maximum Height (ft)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
MU	70 ^{A,B}	-----	1.00
I	52/39	3 / 4 ^C	1.50
T	35	2 ½	0.35
PUD	85	----- ^D	0.80
OS	----- ^E	----- ^E	-----

Notes:

^A The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

^B See Section 5.3.20.

^C Upper-story building setbacks required on structures with more than three stories. See Section 5.3.20.

^D In a mixed-use building, residential uses shall be limited to five stories.

^E Accessory buildings in the OS district shall be located on the property so as to not detract from the primary goal of the open space use.

B. Special Open Space Regulations for Planned Unit Developments

The minimum open space regulations for planned unit developments are as follows:

- (1) Apartment buildings – 10% landscaped, 10% usable.
- (2) Hotel/motels – 10% landscaped.
- (3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10% shall be required.
- (4) Office and professional buildings – 10% landscaped.

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C. Sale or Lease of Lots in a Planned Unit Development

Upon completion of Environmental Design Review under Section 3.4, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PUD district.

5.6.3. Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
Residential					
Single-family detached dwelling ^A	SP	Y			
Two-family dwelling, duplex <u>dwelling</u> ^A	SP	Y			
Three-family dwelling	SP	SP			
Townhouse	SP	SP			
Apartment building	SP	SP			
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building		SP			
Single-room occupancy building		SP			
Group home	Y	Y			
Hotel/Motel		SP			
Assisted living residence	SP				
Dormitory (Note: Permitted if associated with an educational or religious use Permitted if use is for educational or religious purposes)	SP	SP			
Institutional, Educational					
Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution ^B	SP	SP			
Nonprofit, members-only private club or lodge	SP	SP	SP		
Hospital	SP				
Licensed nursing home	SP	SP			
Non-exempt educational use, e.g., trade, driving, music, dancing school		Y			
Library, museum, or art gallery open to the public and not conducted as a private gainful business. ^B		SP			
Agricultural					
Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse	Y	Y			
Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises	Y	Y	Y	Y	
Public Recreational, Entertainment					
Conservation land	Y	Y	Y	Y	Y
Municipal or non-profit park, playground, or similar outdoor recreation facility	Y	Y	Y	Y	Y
Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation club,	SP	SP			

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Class of Use	MU	PUD	I	T	OS
or facility not conducted as a private gainful business					
Municipal or non-profit recreation building	Y	Y	Y		
Municipal or non-profit enclosed entertainment and recreation facilities	SP	SP	SP		
Fire station	Y	Y	Y		
Police station	Y	Y	Y		
Town office building	Y	Y	Y		
Municipal public works yard and associated maintenance, storage, and office facilities		SP	SP		
Utility, Transportation, Communications					
Bus, rapid transit, railroad station		SP		SP	
Motor freight terminal			SP		
Essential services	SP	SP	SP	SP	SP
Radio or television studio or receiving facility; without wireless transmitting facilities	SP	Y	Y		
Municipal or other public parking area or structure	SP	SP	SP	SP	
Commercial parking or vehicle storage facility, with no repairs, services or sale of gasoline		SP		SP	
Residential surface parking lot serving residential uses in another district provided that:					
• The lot used for parking abuts the residential property it serves for at least 50 ft.; and		SP	SP		
• Both lots are under common ownership; and					
• The parking lot complies with the screening provisions of Section 6.1.					
Bikeway				Y	
Wireless Communication Facility					
In a Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building			SP		
In building other than Town building; wireless facility shall not extend more than 15 feet or 25% of building height, whichever is less, above the highest point of the building	SP	SP	SP		
Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet	Y	Y	Y	Y	
Ground Mounded Solar Photovoltaic Installation			Y		
Commercial & Storage Uses					
Motor vehicle sales and rental, sale of auto parts, accessory storage in enclosed structure, provided neighborhood is protected from noise, fumes, gases, smoke and vapor		SP	SP		
Outdoor sales and storage of undamaged, operable automobiles		SP	Yes		
Auto repair garage shop, with no open storage of abandoned vehicles, body work or auto painting		SP	SP		
Car wash facility		SP	SP		
Auto mobile service station		SP			
Personal, Consumer, and Business Services					
Copy center or print shop for sheet-fed printing		Y	Y		

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Class of Use	MU	PUD	I	T	OS
Bank, other financial service; <2,000 sq. ft.		SP			
2,000 sq. ft. or more, or any drive-up banking service		Y			
Personal service establishment		Y			
Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time		Y			
Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time)		Y	Y		
Funeral Home			Y		
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building			Y		
Eating & Drinking Establishments					
Restaurant					
< 2,000 sq. ft. gross floor area	SP	Y	SP		
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP	SP			
Restaurant, Fast-Order Food					
< 1,500 sq. ft.		Y			
=> 1,500 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP			
Catering service		SP	Y		
Retail					
Retail, general, >3,000 sq. ft. of gross floor area		SP			
Retail, local; <3,000 sq. ft. or gross floor area		Y			
Manufacture, assembly, packaging of goods where at least 50% of goods are sold at retail primarily on the premises					
<1,000 sq. ft.		SP	SP		
=>1,000 sq. ft.		Y	Y		
Office Uses					
Including but not limited to professional, business, or medical or dental offices					
• Less than 3,000 sq. ft. gross floor area per building	SP	Y	Y		
• 3,000 sq. ft. or more gross floor area per building	SP	SP	SP		
• Office, display or sales space providing not more than 25% of floor space is used for assembling, packaging and storing commodities		Y	Y		
• In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on a street with ROW width at least 50 ft.	SP	SP	SP		
Wholesale Business & Storage					
Wholesale business in enclosed facility			Y		
Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities		Y	Y		
Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business at retail on the premises			SP		

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Class of Use	MU	PUD	I	T	OS
Storage of vehicles			SP		
Storage of fluid (other than water)			SP		
Open storage of raw materials, finished goods, or equipment			SP		
Commercial Entertainment, Amusement, Assembly Uses					
Enclosed entertainment and recreation facilities not conducted as a private for-profit business	SP	SP	SP		
Enclosed entertainment and recreation facilities conducted for profit	SP	SP	SP		
Indoor Motion Picture Theater		SP			
Enclosed entertainment and recreation facilities not for profit	SP	SP	SP		
Research, Laboratory, Related Uses					
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25% of the floor area.		SP	SP		
Research and development establishment		SP	Y		
Light Industry					
Laundry or dry cleaning plant			Y		
Printing, binding, engraving plant			Y		
Industrial services such as machine shop, plumbing, electrical or carpentry shop or similar service			Y		
Contractor's yard			Y		
Stone cutting, shaping, finishing in enclosed facility			Y		
Auto body shop; all work carried out inside the building			SP		
Truck service and repair			SP		
Light manufacturing provided dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor in enclosed facility or disposed of properly and provided no noise or vibration is perceptible without instruments at a distance greater than 50 feet			SP		
Other Principal Uses					
Artisanal fabrication	SP	SP	Y		
Artistic/creative production	SP	SP	Y		
Mixed-use	SP	SP	SP		
Accessory Uses					
Renting of up to three rooms			Y		
Accessory private garage for noncommercial motor vehicles	Y	Y	Y		
Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard		Y	Y		
Accessory structure not used as part of business	Y	Y	Y	SP	
Home occupation ^C	Y	Y	Y		
Family child care	SP	Y			
Physician's or Clergy's office within a residence with up to 1 nonresident employee	Y	SP	Y		
Accessory retail, office, or consumer service use in an apartment dwelling-building over 20,000 sq. ft.	Y	Y	SP		

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Class of Use	MU	PUD	I	T	OS
in gross floor area, provided: all activities are located on the first floor or basement floor levels, such uses shall not occupy more than 2,000 sq. ft.; all materials, goods, and activities in connection with said uses shall be confined completely within the building					
Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building	Y	Y	Y		
Accessory off-street parking and loading spaces conforming to the provisions of Section 6.1	Y	Y	Y	SP	
The storage or keeping of not more than one commercial vehicle:					
• In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Y	Y	Y		
• Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling		Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles	Y	Y	Y		
• Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town		Y	Y		
Outdoor storage of not more than 3 vehicles damaged or inoperative due to collision				SP	
Temporary food or beverage concession for profit at an event		Y	Y	SP	
Other accessory use customarily incidental to primary use	SP	SP	SP	SP	
Activities accessory to a permitted use that are necessary in connection with scientific research		SP	SP		
Up to three dwelling units in a building containing a business or service use		SP			
Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use	SP	Y			
Catering service		Y	Y		
Notes					
^A Six or more units on one or more contiguous lots requires a special permit.					
^B But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3.					
^C Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.9.18.					

5.7 FLOODPLAIN DISTRICT

5.7.1. Purposes

The purpose of Section 5.7 is to:

- A. Protect the health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
- B. Prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character,

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and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.

- C. Preserve the natural flood control characteristics and the water storage capacity of the floodplain.
- D. Protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.
- E. Protect the safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

5.7.2. Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

5.7.3. Applicability

- A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 5.8, G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the State Building Code that addresses floodplain areas, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission.
- B. The phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable"; ~~shall~~, shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

5.7.4. Setback from Open Stream

A building or structure, except for a retaining wall, wharf, fence, or bridge, may be set back less than 15 feet by special permit from the Board of Appeals, following consultation with the Arlington Conservation Commission.

5.7.5. Use Regulations

- A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.
- B. Permitted Uses. The following uses are permitted in the Floodplain District:
- (1) The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:
 - Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden
 - Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question
 - Park, playground, or other outdoor recreational facility not conducted as a private business
 - Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
 - Wildlife management areas
 - Foot, bicycle, or horse paths
 - (2) For single-family detached dwellings, two-family dwellings, or duplex ~~dwellings~~ existing on the effective date of this Section is advertised (August 28, 1975), the expansion of these (or their accessory) uses to a maximum of 15% of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.
- C. Special Permit. The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.
- (1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.
 - (2) The proposed use shall comply with the most stringent of the following regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw (Title V, Article 8).

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- (3) Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing prior to August 28, 1975 after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.

- (4) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5.7.6. Procedures

- A. Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.
- D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.
- E. No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.

5.7.7. Areas, Open Space, and Yard Regulations

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

5.7.8. Exemptions

- A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the

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applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.

- B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

5.7.9. Notification of Alteration

In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:

- Chief Executive Officers in Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

5.8 INLAND WETLAND DISTRICT

5.8.1. Purpose

The purpose of Section 5.8 is to:

- A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.
- B. Protect the health and safety of persons and property against the hazards of flooding and contamination.
- C. Preserve and maintain the groundwater table for potential water supply purposes.
- D. Protect the community against the detrimental use and development of lands adjoining such watercourses.
- E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.

5.8.2. Definitions

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds and swamps.

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- B. All land area along all rivers, brooks, and streams for a horizontal distance of 25 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

5.8.3. **Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section 3.05 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

5.8.4. **Permitted Uses**

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 9.06 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued.

5.8.5. **Procedures**

Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental Protection, and the Massachusetts Department of Public Works under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall

also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.

5.8.6. Development Conditions

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
- (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
 - (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
 - (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
 - (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

5.9 SUPPLEMENTAL REGULATIONS FOR PERMITTED USES

5.9.1. Home Occupation

- A. In any Residential District, a home occupation is permitted if all the following conditions are met:
- (1) No nonresident shall be employed therein.
 - (2) Not more than 25% of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to the home occupation, and no stock in trade, commodities, or products shall occupy space beyond these limits.
 - (3) There shall be no display of goods or wares visible from the street.

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- (4) All advertising devices visible from off the lot are specifically prohibited.
 - (5) The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure.
 - (6) Any such building shall include no feature of design not customary in buildings for residential use.
- B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.

SECTION 6. SITE DEVELOPMENT STANDARDS

6.1 OFF-STREET PARKING

6.1.1. Purposes

The purposes of this Section 6.1 are to:

- A. Provide for safe and convenient vehicular parking areas and delivery areas;
- B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;
- C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.

6.1.2. Applicability

No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.

6.1.3. Administration

- A. This Section 6.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section 6.1, it shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".
- B. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1.

6.1.4. Table of Off-Street Parking Regulations

The minimum number of off-street parking and loading spaces shall be as set forth in the following table. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling	1 space per dwelling unit

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Use	Minimum Number of Spaces
Apartment building	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 1 space per 5 units of public elderly housing
Assisted living residence	0.4 spaces per dwelling unit
Single-room occupancy building	1 per unit Any bedroom or group of 2 beds in a single room
Group home	2 spaces per 4 residential rooms
Business or Industrial Use	
Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to customer traffic	1 space per 1,000 sq. ft. of gross floor area For outdoor display areas, 1 space per 1,000 sq. ft. of lot area used for these purposes
Hotel/motel	1 space per sleeping room, plus 1 space per 400 sq. ft. of public meeting area or restaurant space
Other retail or service use	1 space per 300 sq. ft. of gross floor area
Offices, including professional, business	1 space per 500 sq. ft. of gross floor area
Wholesale or storage establishment, warehouse	1 space per 1,000 sq. ft. of gross floor area
Manufacturing or industrial establishment	1 space per 600 sq. ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater
Medical, dental office or clinic, or office of other health care providers	4 spaces per physician, dentist, practitioner
Institutional, Educational Use	
Hospital	2.25 spaces per bed of design capacity
Nursing home	1 space per 4 beds of design capacity
Business, trade, or industrial school or college	1 space per 200 sq. ft. of gross floor area in classrooms and other teaching stations, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Other school	2 spaces per classroom in elementary and middle school or junior high school facility; 4 spaces per classroom for a high school, plus spaces for gymnasium or auditorium, whichever has the larger capacity, as specified in this table
Public, Recreational or Entertainment	
Community facility or municipal facility	1 space per 3 employees on the largest shift
Theater, restaurant, gym, auditorium or similar place of public assembly with seating facilities	1 space per 4 seats of total seating capacity. Seasonal outdoor seating for restaurants shall not count toward total seating capacity
Health club or indoor athletic facility	1 space per 300 sq. ft. of gross floor area
Utility, Transportation, Communications	
Public utility	1 space per 400 sq. ft. of gross floor area devoted to office use, 1 space per 800 sq. ft. of gross floor area for other use

Use	Minimum Number of Spaces
Transportation terminal	1 space per 600 sq. ft. of gross floor area
Other Uses	
Mixed-use	Sum of uses computed separately
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector

6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, and Business and Industrial Zones to 25 percent of that required in the Table of Off Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the special permit granting authority. Methods to reduce parking on site may include but are not limited to:

- A. **Shared Parking:** To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. **Off-site Parking.** An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. **Transportation Demand Management (TDM):** Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
 - (1) Charge for parking on-site;
 - (2) Pay a stipend to workers or residents without cars;
 - (3) Provide preferential parking for carpooling vehicles;
 - (4) Provide a guaranteed emergency ride home;
 - (5) Provide transit pass subsidies;
 - (6) Provide covered bicycle parking and storage;
 - (7) Provide bicycle or car sharing on site;
 - (8) Provide showers for business or industrial uses;

- (9) Other means acceptable to the applicable special permit granting authority

6.1.6. Table of Off-Street Loading and Unloading Regulations

The off-street loading and unloading requirements in the Table of Off-Street Loading Regulations shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

Use	Minimum Number of Loading Spaces per Sq. Ft. Gross Floor Area
Retail, Personal, Consumer, and Business Services, Restaurants	5,000 - 20,000 = 1
	20,001 - 50,000 = 2
	50,001 - 100,000 = 3
	plus 1 for each 100,000 (or fraction) over 100,000
Manufacturing or Industrial, Utility, Transportation, Communications, Wholesale or Storage, Wholesale Business, Storage Facility	5,000 - 20,000 = 1
	20,001 - 40,000 = 2
	40,001 - 120,000 = 3
	120,001 - 200,000 = 4
	plus 1 for each 100,000 (or fraction) over 200,000
Institutional, Educational, Public, Recreational, and Entertainment, Office Uses	5,000 - 50,000 = 1
	50,001 - 100,000 = 2
	100,001 - 150,000 = 3
	plus 1 for each 150,000 (or fraction) over 150,000

6.1.7. Existing Spaces

Parking or loading spaces being maintained in any District for any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as the use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership. However, this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables in this Section 6.1.

6.1.8. Computation of Spaces

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

6.1.9. Combined Facilities

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Board of Appeals or Arlington Redevelopment Board, as applicable, as part of the special permit process and recorded with the Middlesex South Registry of Deeds.

6.1.10. Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment on the same lot, they shall be established no further than 600 feet from the premises they serve, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable. Such spaces may be located outside or within a structure designed as a public or private garage. Projects subject to Section 3.4, Environmental Design Review, may provide parking off-site within 600 feet where it can be shown that a long-term, legally enforceable agreement has been made to secure off-site parking.

- A. **Parking in Residential Districts.** For single-family, two-family, ~~two-family~~ duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

For single-family, two-family, ~~two-family~~ duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway shall be permitted unless there is a finding by the Board of Appeals (or Arlington Redevelopment Board, if it is the special permit granting authority for the development) that a second driveway or a driveway that makes more than one intersection with the street may be added in a manner that avoids an undue concentration of population, allows adequate provision of transportation, and conserves the value of land and buildings in the vicinity. In no case may a second driveway for a single-family, two-family, ~~two-family~~ duplex, or three-family dwelling violate any other dimensional or density regulations for the district in which it is located. For single-family, two-family, ~~two-family~~ duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

- B. **Parking in Commercial Districts.** For properties located in the Business Districts, no parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or Arlington Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.
- C. **For Mixed-Use development,** the first 3,000 square feet of non-residential space is exempt from the parking requirements of this Section 6.1.

- D. **Public Parking Lots.** The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of space within public parking lots in lieu of parking requirements of this Section 6.1 provided they are located within 1,000 feet of the building to be served.
- E. **Location of Loading Spaces.** The loading spaces required for the uses listed in the Table of Off-Street Loading and Unloading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

6.1.11. **Parking and Loading Space Standards**

- A. A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet. Compact car parking spaces permitted in accordance with Paragraph C(11) below shall be at least 8 feet by 16 feet. For parallel parking, a space shall have minimum dimensions of 8 feet by 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length. In residential side yards, the width of a parking space may be the width of the side yard, but in no case less than 7.5 feet.
- B. Parking areas with five spaces or less shall be surfaced with a permanent pervious or impervious material or binder.
- C. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:
 - (1) The parking and loading areas and access driveways shall be surfaced with pervious or impervious material and shall be graded and drained to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
 - (2) A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways to protect abutting structures, properties and sidewalks and screening materials.
 - (3) Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Angle of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

- (4) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
 - (5) No business operation for vehicle repair, gasoline or oil service facilities, or any repair to any motor vehicles shall be conducted except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least 25 feet from any lot line.
 - (6) Except for duly authorized yard sales, the storage of materials or equipment or display of merchandise within the required parking area is prohibited.
 - (7) Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
 - (8) Any two driveways leading to or from a street, or to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet from the intersection of the lot line with the street right-of-way for a corner lot.
 - (9) Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to 40 feet.
 - (10) In R0, R1, R2, R3, and R4 zones, the Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit to allow the reduction of the parking space requirements to 80% of that required in the Table of Off-Street Parking Regulations where conditions unique to the use reasonably justify such a reduction.
 - (11) The Board of Appeals or Arlington Redevelopment Board, as applicable may grant a special permit allowing up to 20% of the spaces in a parking lot or garage to be sized for compact cars.
- D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.
- (1) The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five feet if the setback includes a solid wall or solid wooden fence, five to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required in the Density and Dimensional Regulations of the district. Where deemed appropriate by property owner, acceptable to immediate abutters, and approved by the Building Inspector, another wall or fence height or fence type may be substituted for the required wall or fence.
 - (2) The area shall be effectively screened with suitable planting or fencing on each side that faces abutting lots used for residential purposes. The screening

shall be within the lot boundaries and at least five feet and not more than six feet high. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from the building by a buffer strip of green open space not less than five feet wide and suitably planted.

- (3) The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.
 - (4) Parking shall not be located within the required front yard area in any district.
 - (5) Parking and loading spaces other than those required for single-family and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street.
 - (6) Parking areas providing more than 25 spaces shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide.
- E. The landscaping standards of Section 6.1.11 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:
- (1) Reasonable alternative measures have been taken to meet the intent of these standards: to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage; and
 - (2) All landscaped space required by this section is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

6.1.12. Bicycle Parking

- A. Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the town.
- B. When bicycle parking is required, there will be one bicycle parking space per 15 motor vehicle spaces under Section 6.14. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.

- C. When bicycle parking is required, there will be a minimum of two spaces provided, and not more than 20 bicycle spaces will be required at a single site.
- D. A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle six feet in length and two feet wide. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.
- E. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.
- F. The following uses are exempt from bicycle parking requirements: places of worship, cemetery, funeral home, automotive repair shop, car wash, or gas station.

6.2 SIGNS

6.2.1. Purpose

The purpose of this Section 6.2 is to:

- A. Prevent hazards to vehicular and pedestrian traffic;
- B. Prevent conditions which have a blighting influence and contribute to declining property values;
- C. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
- D. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment; and
- E. Maintain public safety, consistent with constitutional requirements protecting freedom of speech.

6.2.2. Applicability

All outdoor signs and window signs are subject to the regulations of this Section 6.2 unless specifically excluded herein. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with this Section.

6.2.3. Administration

The Building Inspector shall have authority to issue sign permits under this Section 6.2. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section, it shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review".

6.2.4. General Regulations

The provisions of Sections 6.2.4 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 6.2.9.

- A. Any traffic, directional, informational, educational, or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of this Bylaw, promotional, informational, or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on these signs shall not exceed 3% of the sign area.
- B. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not because of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking.
- C. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice and consent of the Police Chief, the light would create a driving hazard.
- D. No sign shall be illuminated between 12:00 AM and 6:00AM, except signs identifying police or fire stations or hospitals, and except signs on premises open for business during that time.
- E. All illumination shall be either interior and non-exposed by a window or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including but not limited to incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.
- F. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.
- G. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, or visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product and shall not exceed one square foot in area.
- H. One informational sign up to four square feet in area, indicating the existence of, and meeting time and place of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content, and location shall be determined in the special permit. Signs of several service organizations may be consolidated into one sign, in which case the maximum sign area shall be limited to four square feet times the number of organizations listed on the sign.
- I. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events conducted on the premises.

- J. One sign, up to one square foot in area, is allowed per residence indicating the name and address of the occupants.
- K. In any district, one sign is allowed for each of the following, provided it shall not exceed six square feet in area and shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line:
 - (1) Membership club
 - (2) Community facility
 - (3) Funeral establishment
 - (4) Public utility
 - (5) Place of public assembly
 - (6) Premises for sale or lease
- L. A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.
- M. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall a deposit left with the Building Inspector for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.
- N. A sign area larger than that specifically allowed in this Section 6.2.1 is allowed by special permit under Section 6.2.11.
- O. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.
- P. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.
- Q. Notices in compliance with Title V, Article 1 of the Town Bylaws are allowed in any District.

6.2.5. Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained.

- A. Signs which incorporate in any manner flashing, moving, or intermittent lighting, excluding public service signs showing time and temperature.
- B. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.

- C. String lights used in connection with commercial premises with except for temporary lighting for holiday decoration.
- D. Any sign which advertises a business no longer in existence, or a product or service no longer sold.
- E. Portable signs.
- F. Window signs which cover more than 25% of the area of the window.
- G. Signs for home occupations.
- H. Signs, except awning signs, painted or posted directly on the exterior surface of any wall.
- I. Signs that obstruct any door, window or fire escape on a building.
- J. Signs constructed, erected, or maintained on the roof of any building.
- K. Signs which project over a public right-of-way, except for wall signs which may project no more than 12 inches from a building face, and with the further exception of bracket signs in the B3 and B5 zoning districts.
- L. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale. In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10% of the sign area, unless the registered trademark or commodity is the principal activity conducted therein.

6.2.6. Signs Permitted in Any R District

One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section 6.2.9 not to exceed four square feet in area and if a ground sign, set back not less than one half the depth of the front yard.

6.2.7. Bed and Breakfast Signs

A bed and breakfast ~~or a bed and breakfast home~~ in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.

6.2.8. Signs Permitted in Any B, I, or PUD District

- A. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section 6.2.9, there shall not exceed a total of two permanent signs for any one business or industrial establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.
- B. One directory of the occupants or tenants of the building affixed at each entrance not exceeding an area determined as one square foot for each occupant or tenant.
- C. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height.

D. One awning sign for each display window of a store.

6.2.9. Special Controls by Zoning District

- A. Signs Permitted in ~~B1~~, R6 and, R7 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square ~~per~~ feet in area, per building. ~~except that in R6 and R7 districts, b~~ Buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10% of the sign area, unless said trademark or commodity is the principal activity conducted therein.
- B. Signs Permitted in B1 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square ~~per~~ feet in area, per building.
- C. Signs Permitted in Any B2 or T Districts. One permanent wall sign not to exceed two feet in height or a ground sign not to exceed 20 square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than 10 percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.
- D. Signs Permitted in Any B3, B5 I, or PUD Districts. One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.
- E. Signs Permitted in Any B3 and B5 Districts. One sign permitted in Sections 6.2.8 Subsection D above may be a bracket sign meeting the following dimensional requirements: a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 square feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.
- F. Signs Permitted in Any B2A or B4 Districts
 - (1) One permanent wall sign for each street or parking lot frontage of each establishment not to exceed 40 square feet and to conform to the "wall sign" provisions of this Section 6.2.
 - (2) One standing sign which does not exceed 24 square feet in lieu of the wall signs permitted in Subsection (F)(1) above. If a standing sign is provided, there may be one permanent wall sign which does not exceed 20% of the area of the standing sign.

- (3) On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.
- (4) Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each lot street frontage.
- (5) At gasoline service stations, one standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.
- (6) If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than 10% of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

G. Signs Permitted in MU Districts

- (1) One free-standing sign provided such sign is not more than four feet by six feet or 24 square feet in area and the top of the sign is not over 12 feet above the ground.
- (2) One wall or standing sign for identification of each building provided the surface area of such sign of one side shall not be more than 10 square feet nor, if a standing sign, more than six feet above ground.
- (3) Directional signs that point out parking lots and specific services provided they are not larger than one foot by three feet and provided the top of the sign is not more than four feet above the ground.

H. Signs Permitted in OS Districts

- (1) One unlighted permanent freestanding sign for any permitted use, not to exceed four square feet in area and set back not more than 15 feet from the front property line.
- (2) On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed 24 square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3% of the area of the kiosk.

6.2.10. Sign Permits and Maintenance

- A. Applications for a sign permit to erect, install, place, construct, alter, move, or maintain a sign shall be submitted to the Building Inspector on forms provided by the Department of Inspectional Services.

- B. Upon receipt of a complete application for a sign permit, the Building Inspector shall transmit a copy to the Director of Planning and Community Development for review and comment. The Director shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Building Inspector within 14 days of receipt of the application. Failure to submit a report within the 14-day period shall constitute no objection to the permit by the Department.
- C. A sign permit shall be issued only if the sign complies or will comply with all applicable provisions of this Bylaw.
- D. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Building Inspector is dangerous or in disrepair, or which is erected or maintained contrary to this Bylaw.

6.2.11. Special Permits

- A. Under certain circumstances, the Board of Appeals or Arlington Redevelopment Board, as applicable, may issue a special permit to allow more than the number of signs permitted under this Section 6.2, or signs of a greater size or in a location other than that specified in this Section 6.2 if the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting a sign special permit, the Board of Appeals or Arlington Redevelopment Board, as applicable, shall specify the size and location of the sign or signs and impose other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four feet times the linear face of the building front.
- B. Submission requirements and procedures for a sign special permit shall be in accordance with Section 3.4 of this Bylaw and the rules and regulations of Board of Appeals or Arlington Redevelopment Board, as applicable.

6.2.12. Nonconforming Accessory Signs

Accessory signs or other advertising devices legally erected before the adoption of this Bylaw may continue to be maintained, provided, however, that:

- A. No sign or other advertising device shall be permitted if it is, after the adoption of this Bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this Bylaw; and
- B. Any sign or other advertising device that has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign or other advertising device at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:
 - (1) Shall have been abandoned;

- (2) Advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at the premises; or
- (3) Shall not have been repaired or properly maintained within 30 days after notice to that effect has been given by the Inspector of Buildings.

6.2.13. Nonaccessory Signs

- A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device, except those exempted by G.L. 93, §§ 30 and 32.
- B. No billboard, sign or other advertising device shall be erected, displayed, or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.
- C. Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.
- D. No nonaccessory signs shall be erected in any R District and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:
 - (1) On the premises of or within 300 feet of, a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89 665, 805.915 (1966) as amended;
 - (2) On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;
 - (3) Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the Zoning Map of the Town of Arlington;
 - (4) Within a radius of one hundred 150 feet from the point where the centerlines of two or more public ways intersect;
 - (5) Exceeding a height of 30 feet measured from the ground surface;
 - (6) Upon the roof of any building;

- (7) Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;
 - (8) Containing a sign face with a vertical dimension more than 12 feet;
 - (9) Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight feet or a height of four feet;
 - (10) Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of 25 feet or a height of 12 feet; or
 - (11) In any event if such billboard, sign or other advertising device shall exceed a length of 50 feet or a height of 12 feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.
- E. No billboard, sign or other advertising device shall be erected, displayed or maintained without a permit from the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from the Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the Board of Selectmen shall hold a public hearing on the said application in the town, notice of which shall be given by posting the same in three or more public places in the said town at least one week before the date of the such hearing. A written statement as to the decision of the Board results thereof shall be forwarded to the Division within 30 days from the date of notice of the town that an application for a permit had been made. containing, In the event of a disapproval of the such application, the Board shall provide reasons for the disapproval within 30 days from the date of notice of the town that an application for such a permit had been made.
- F. This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

SECTION 7. SPECIAL PERMITS

7.1 REMOVAL OF SAND, GRAVEL, QUARRY OR OTHER EARTH MATERIALS

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the State Building Code), except by permission of Board of Appeals.

SECTION 8. SPECIAL REGULATIONS

8.1 NONCONFORMING USES AND STRUCTURES

8.1.1. Applicability

- A. Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017). However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a single family or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible.
- B. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.1.2. Nonconforming Uses

Unless the Board of Appeals has made the finding provided for in G.L. c. 40A, § 6 and Section 8.1.1 above:

- A. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.
- C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40% of the floor area of the existing structure.

- D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

8.1.3. Nonconforming Single-Family or Two-Family Dwellings

- A. Alteration, reconstruction, extension, or structural change to a single or two-family residential structure that is completely within the existing foundation walls does not increase the nonconforming nature of said structure ~~shall be permitted~~.
- B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.
- ~~B-C.~~ The extension of an exterior wall of a single-family or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the Special permit granting Authority that the extension shall not be substantially more detrimental to the neighborhood that the existing nonconforming dwelling. In making such a finding, the Special Permit Granting Authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.

8.1.4. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings

Except as provided in Section 8.1.5 below, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

- A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.
- B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.
- C. Any lawful nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- D. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot shall be conforming.
- E. Except as covered under Section 8.1.5 or Section 8.1.6, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit

from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.

8.1.5. **Unsafe Structure**

Except as covered under Section 8.1.7, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals, or, in cases subject to Environmental Design Review, Section 3.4., the Arlington Redevelopment Board.

8.1.6. **Reduction or Increase**

- A. Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.4 or Section 8.1.5. However, this section shall not apply in the case of a lot a portion of which is taken for a public purpose.
- B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
- C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

8.1.7. **Restoration, Abandonment, or Non-Use**

- A. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original nonconforming use or a conforming use. If such restoration is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.
- B. Any nonconforming use ~~of a conforming~~ ~~or~~ structure ~~and lot~~ which has been abandoned, demolished without reconstruction, or not used for a continuous period of two years, shall lose its protected status and be subject to all provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood. The abandonment period for agriculture, horticulture, or floriculture shall be five years.
- C. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

8.1.8. **Repair, Reconstruction, Extension, Addition**

Special Permit uses are a special class of uses not existing as of right. Except as hereinafter provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 3.3, and Section 3.4 when applicable, if such activity were to commence as a new use thereon, then any reconstruction, alteration, addition or extension of such use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued therefore, except when or for:

- A. A damaged or unsafe structure occupied by a use under previously granted special permit(s) may be repaired or reconstructed for such use in accordance with the same terms and conditions, if any, attached to such permit(s).
- B. A damaged or unsafe structure occupied by a use not under previously granted special permit(s) may be repaired or reconstructed for such use without such permit(s) provided that the cost of such repair or construction does not exceed 50% of the physical replacement value of the previously existing structure(s).
- C. Interior renovations are done without any addition to the gross floor area of the existing structure(s).
- D. Reconstruction, alteration, or additions to a structure occupied by a use under previously granted special permit(s) for such activity provided that the addition does not exceed the lesser of 500 square feet or 25% of the gross floor area in existing structure(s) and that no such activity violates any condition(s) attached to such permit(s).

None of the foregoing exceptions shall exempt any construction undertaken thereunder from compliance with all dimensional, density, parking, landscaping or other provisions of this bylaw.

8.2 AFFORDABLE HOUSING REQUIREMENTS

8.2.1. Purposes

The purpose of this Section 8.2 is to:

- A. Promote the public health, safety and welfare by encouraging the expansion and improvement of the town's housing stock, especially its affordable housing;
- B. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- C. Minimize the displacement of lower-income Arlington residents; and
- D. Increase the production of affordable housing to meet employment needs.

8.2.2. **Applicability**

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a two-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

8.2.3. **Requirements**

- A. In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of .5 or more shall be rounded up to the next whole number.
- B. The sale price or monthly rent of each affordable unit shall be calculated such that household size matches the number of bedrooms plus one.
- C. Affordable units shall conform to all requirements for inclusion in the Chapter 40B Subsidized Housing Inventory.
- D. Affordable units shall be included in the locus of the development. In exceptional circumstances, the Arlington Redevelopment Board may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing affordable units, if it finds that:
 - (1) it is in the best interest of the Town to do so, or
 - (2) the provision of affordable units would result in a hardship that renders the development financially infeasible.

The financial contribution to the Affordable Housing Trust Fund for each affordable unit shall be equal to the difference between the full and fair cash market value of a market-rate unit and the maximum affordable price of an affordable unit, and shall be payable in full prior to issuance of a final occupancy permit.

- E. Affordable units shall be dispersed throughout the development and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

8.2.4. Incentive

Notwithstanding the special permit requirement under Section 6.1.10, Location of Parking Spaces, and 6.1.11, Parking and Loading Space Standards:

- A. The applicant shall have the option to reduce the number of spaces required in Section 6.1.4, Table of Off-Street Parking Regulations by up to 10 percent.
- B. In the case of a single-room occupancy building or dormitory, where more than 50 percent of the units are affordable to households earning no more than 60% of Area Median Income, the number of parking spaces for the affordable units may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

8.2.5. Administration

- A. The Arlington Redevelopment Board shall administer this Section 8.2 and may adopt administrative rules and regulations to implement its provisions.
- B. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a pro-rata basis.
- C. Sales prices, resale prices, initial rents and rent increases for affordable units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.
- D. The affordable units shall be subject to a marketing plan approved by the Director of Planning and Community Development, consistent with federal and state fair housing laws and the Town of Arlington's approved ~~Fair Housing policy~~[Affirmatively Furthering Fair Housing plan and policies](#), on file in the Department of Planning and Community Development.
- E. To the extent not inconsistent with the provisions of G.L. c.183A, condominium documentation shall provide the owners of the affordable units with voting rights sufficient to ensure an effective role in condominium decision-making.

All legal documentation shall be subject to review and approval by Town Counsel or its designee.

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1.1~~Section 1.01 -- Short~~ Title

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

1.2 Purposes

Section 1.03 -- Purpose

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

1.3~~Section 1.02~~ - Authority

This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A, as amended.

~~This Bylaw is adopted pursuant to the Authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the "Zoning Act."~~

~~Where the Zoning Act is amended from time to time after the effective date of this Bylaw and where such amendments are mandatory, such amendments shall supersede any regulations of this Bylaw which have been set forth on the basis of the Zoning Act in existence at the effective date of this Bylaw. Where references are to particular sections or provisions, and such sections or provisions are or have been amended, renumbered, or otherwise changed by the General Court, the reference shall be to the section or provision as so changed.~~

1.4 Applicability.

Section 4.02 - Application:

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control. Except as herein provided, the provisions of this Bylaw shall apply to the erection, construction, reconstruction, alteration, or use of buildings, structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming and any existing nonconforming use, structure, or lot shall not become further nonconforming.

~~1.5~~Section 12.01 – Amendment

This Bylaw may ~~be amended~~ from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, Section 5. in accordance with Section 5 of the Zoning Act. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all abutters of the land referred to in the petition. ~~A separate conspicuous statement shall be included with property tax bills sent to nonresident property owners stating that notice of hearings to amend this bylaw by making boundary or use changes within a district in which the nonresident owner owns property shall be sent postage prepaid to any such owner who files an annual request for such notice with the Town Clerk no later than January First and pays an annual fee of two dollars.~~

1.6 Severability.

Section 12.02 - Validity.

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

~~The invalidity of any section, paragraph or provision of this Bylaw, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provisions of this Bylaw, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.~~

~~Section 4.01 -- Interpretation~~

~~The provisions of this Bylaw Shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the Town of Arlington, Massachusetts, and except for the Zoning Bylaw of the Town of Arlington, Massachusetts, dated March 1959, and all subsequent amendments thereto, the provisions of this Bylaw are not intended to repeal, amend, abrogate, annul, or in any way impair or interfere with any lawfully adopted bylaw, covenants, regulations, or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, bylaw, other section of the Zoning Bylaw, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.~~

~~Section 12.03 -- Effective Date~~

~~This Bylaw shall take effect upon acceptance by the Town and its approval by the Attorney-General and publication according to Section 32 of Chapter 40 of the General Laws of the Commonwealth of Massachusetts.~~

SECTION 2. DEFINITIONS

ARTICLE 2: DEFINITIONS in Existing Bylaw

~~In "For the purpose of~~ this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. ~~The singular ; the singular number~~ includes the plural; and the plural ~~includes the singular.~~ The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" ~~the singular;~~ the words ""used"" or "occupied" ~~occupied~~ include the words "designed," "arranged," "intended," ~~designed," "arranged," "intended,"~~ or "offered," ~~offered,"~~ to be used or occupied; the words "building," "structure," "lot," "land," ~~building," "structure," "lot," "land,"~~ or "premises" ~~premises~~ shall be construed as though followed by the words "or any portion thereof"; and the ~~word "shall"~~ words ""shall"" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the ~~State Commonwealth of Massachusetts~~ Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. ~~Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by The Standard Industrial Classification Manual published by the U.S. Bureau of the Census."~~

Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

Accessory Use: A use that is incidental and subordinate to, and customarily associated with, that of the primary structure or use of land and that is located on the same lot and under the same ownership.

Adult Day Care: A facility providing non-residential social, supportive, or health services, dementia services, or any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.

Adult Uses: All ~~those~~ uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

Affordable Units: Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.

Area Median Income: The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the income set forth in or calculated based on U.S. Department of Housing and Urban Development (HUD)~~regulations, as amended.~~

Eligible Household: For ownership units, a household whose total income does not exceed 80% of ~~Areathe~~ Median Income, ~~of households in the Boston metropolitan area as defined by the U.S. Department of Housing and Urban Development~~ adjusted for household size. For rental units, a household whose total income does not exceed 70% of ~~Areathe~~ Median Income ~~of households in the Boston metropolitan area as defined by the U.S. Department of Housing and Urban Development~~, adjusted for household size.

Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development; and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program. ~~Said amount is~~ adjusted for unit size and with an allowance for utility costs.

Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Arlington Redevelopment BoardARB: The Arlington Redevelopment Board (“ARB”) which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

Artisanal Fabrication: Production of goods ~~usingby the use of~~ hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content ~~and&~~ applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

Assisted Living Residence: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.

Athletic Facility, Indoor: A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities.

Attic: An unfinished, non-habitable space immediately below the roof of a building, typically used for storage or mechanical equipment.

Auto Body Shop: A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.

Auto Repair Shop: A facility for the general repair of automobiles, motorcycles or noncommercial trucks, including rebuilding, or reconditioning of engines, and the sale, installation, and servicing of equipment and parts.

Garage, Auto Repair: Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained, but not including body work or painting.

Auto Service Station: A building, structure or land use primarily for the dispensing or sale of automotive fuels, oils or accessories, including lubrication or automobiles and replacement or installation of parts and accessories.

Service Station: A building or part thereof with no more than three service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments to parts or motor not involving removal of head, crankcase or racing motor.

Awning: A roof-like covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. ~~A basement is not considered a story unless its ceiling is four (4) feet six (6) inches or more above the average finished grade.~~

"Bed and Breakfast: A dwelling with a resident owner or manager in which lodging units are rented and breakfast is served to the people occupying the lodging units, ~~and which has a resident owner or manager.~~

~~Bed and Breakfast Home: A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent."~~

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building ~~or, or on~~ an adjacent lot in the same ownership.

Building Area: The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage: The building area expressed as a ~~percentage~~percent of the total lot area.

Building, Detached: A building with no structural connection to another building~~having open space on all sides.~~

Building, Front Building Line: A line drawn parallel to the front boundary of a lot along the front face of a building or through the point on a building closest to the front boundary.

~~Building Height~~Height of Building: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. Refer to Sections 5.3.19 and 5.4.2.B in the R0, R1 and R2 zoning districts where the lot has a slope in excess of five (5) for detailed exceptions. ~~percent, the height is the vertical distance of the highest point of the roof above the average finished grade of the ground adjoining the building as computed before the building is actually erected. This definition excludes penthouses, bulkheads, and other allowable superstructures above the roof line.~~

Building, Setback Line: The line ~~established by this Bylaw~~, beyond which a building shall not extend, except as specifically provided by this Bylaw.

Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)

Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

Catering Service: Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.

~~Catering Service: Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site.~~

~~Catering: Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location."~~

Cellar : A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. ~~A cellar is not deemed a story.~~

Certificate of Occupancy: A statement under the State Building Code signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Child Care Center: A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

Commercial Vehicle: Any truck, including but not limited to ~~step vans~~~~stepvans~~ and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

Common Land: A parcel or parcels of ~~outdoor space in a Planned Unit Development~~~~open space within the site designated for a planned unit development~~, maintained and preserved for ~~outdoor~~~~open~~ uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas."

Conservation Land: A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

Consumer Service Establishment: Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, or small appliance repair.

Court: An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

Court, Inner: A court surrounded on all sides by the exterior walls of a structure.

Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

Deck: A roofless outdoor space built as an above-ground platform projecting from the wall of a building and connected by structural supports at grade or by the building structure.

District: A zoning district as established by Section 4~~Article 3~~ of this Bylaw.

Driveway: An area open space, which may be paved located on a lot, ~~which is~~ not more than 20 feet wide, twenty (20) feet in width built for access to a garage or an, ~~or~~ off-street parking or loading space.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "~~single~~one-family," "two-family," "duplex", "three-family" or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, or mobile home mobile home, or dormitory.

Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

~~Dwelling Unit: One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.~~

Apartment ~~Building~~House: A multi-family building designed or intended or used as the home or residence of four or more households~~families~~, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent~~semipermanent~~ occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Duplex ~~Dwelling~~House: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one ~~(1)~~ principal building occupying one ~~(1)~~ lot for the purposes~~purpose~~ of determining yard requirements.

Multi-Family Dwelling: A building containing four or more dwelling units.

Single-Family Dwelling: A building containing only one dwelling unit.

Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term "single-room occupancy building" shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences.

~~Boarding House; Boarding Home: A house in which a regular service of meals is furnished for persons for a remuneration.~~

~~Rooming or Lodging House: A building containing four or more lodging units.~~

~~Lodging Unit: One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, bed and breakfasts, bed and breakfast homes, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.~~

Three-Family Dwelling: A buildinghouse containing three ~~(3)~~ dwelling units.

~~Townhouse Town-House~~ Structure: A row of at least three single~~(3)~~~~one~~-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at-grade access.

Two-Family Dwelling: A buildinghouse containing two ~~(2)~~ dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. ~~(See Duplex House.)~~

Enclosed Entrance (or Vestibule): Anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or leading into a larger space in a nonresidential building such as an entrance hall or interior common area.

Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

Essential Services: Services provided by a public utility or governmental agency/agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by the such public utility or governmental agency/agencies for the public health, safety, or general welfare.

Family or Household: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three (3) lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a household/family. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a single family.

Farm (or Agriculture): As defined in G.L. c. 128, § 1A.

Flood Map: A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.

~~The Floodplain District includes those areas along the Mill Brook, Alewife Brook, Mystic River, Spy Pond, Arlington Reservoir, and Mystic Lakes which are in the 100-year floodplain as established on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the 100-year floodplain shown on the Middlesex County FIRMs (panel numbers 25017C0412E, 25017C0416E, 25017C0417E, 25017C0418E, and 25017C0419E), dated June 4, 2010, and further defined by the Middlesex County Flood Insurance Report (FIS), dated June 4, 2010.~~

Floodway/Floodline: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined by FEMA or a licensed professional acceptable to the Conservation Commission and certified by a registered professional engineer, qualified in drainage.

Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.

Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points

at the intersections of the side lot lines with the front lot line.

Funeral Home: A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.

Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

Gross Floor Area: The sum of the ~~gross~~ horizontal areas of ~~the several stories all the floors~~ of a building or buildings, principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or in the case of a common wall centerlines of walls separating two buildings, from the centerline of such common wall. Refer to Section 5.3 for formula.(2) buildings, including:

- a. ~~elevator shafts and stairwells on each floor;~~
 - b. ~~that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (4), below;~~
 - c. ~~interior mezzanines, and penthouses;~~
 - d. ~~basements except as excluded in (2), below; and cellars in residential use;~~
 - e. ~~all weather habitable porches and balconies; and~~
 - f. ~~parking garages except as excluded in (1), below;~~
- but excluding:
- 1. ~~areas used for accessory parking garages, or off-street loading purposes;~~
 - 2. ~~that part of basements devoted exclusively to mechanical uses accessory to the operation of the building;~~
 - 3. ~~open or lattice enclosed exterior fire escapes;~~
 - 4. ~~attic space and other areas for elevator machinery or mechanical equipment accessory to the operation of the building; and~~
 - 5. ~~porches and balconies."~~

Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed ~~20~~twenty feet in height.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

~~Rehabilitation Residence: For the purposes of this Bylaw, a building licensed or operated by the Commonwealth of Massachusetts as a Group Residence to provide residential care of alcoholic, drug or mental patients.~~

Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include. ~~In connection with such use, there is to be no retail sale of merchandise on the premises nor alter the~~. ~~Such use shall be carried on by the occupants of the dwelling unit in compliance with the provisions of Section 5.05 and shall not in any manner change the residential character of the lot or building.~~ ~~Home occupations do not include such uses as barber shops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.~~

Hospital: An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel: A building in which lodging is offered for compensation, with or without associated amenities.

~~Hotel: A building or any part of a building containing rooming units without individual cooking facilities except for coffee makers, cook plates, and microwave ovens for transient occupancy and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.~~

Inspector of Buildings: Inspector of Buildings, Arlington, Massachusetts.

Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than ~~200~~two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.

~~Loading Space: An off-street space at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than one thousand three hundred (1,300) square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Inspector of Buildings to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.~~

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds. ~~A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership.~~

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than ~~135 one hundred thirty-five (135)~~ degrees.

Lot, Interior: A lot, the side lines of which do not abut on a street.

Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw. (See also Nonconformance)

Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

Manufacturing, Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.

Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.”

Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

Mixed Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

Nonconformance: A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.

Office, Business or Professional: A building or portion of a building used to provide direct services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term "business or professional office" shall not include medical office for a physician, dentist, or other health care professionals. (See "Medical Office".)

Office: A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts his professional business.

Office, Medical or Clinic: A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. "Medical office or clinic" shall not include a hospital.

Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts~~patios, play courts~~, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% ~~percent~~ open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: ~~(1)~~ at least 75% ~~percent~~ of the area has a grade of less than 8%, and eight (8) percent and ~~(2)~~ no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet."

Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6 of this Bylaw. Article 8.

Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12~~twelve (12)~~ feet above the roof and occupying not more than 33 1/3%~~thirty-three and one-third (33-1/3)percent~~ of the roof area.

Personal Service Establishment: Retail establishments primarily engaged in providing individual services generally related to personal needs such as but not limited to a barber shop, hair salon, nail salon, drop-off/pick-up dry cleaning business or self-serve laundry, tailor, or shoe repair shop.

Phased ~~Development~~or Segmented Project: A ~~development~~project on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the development~~Project~~.

Planned Unit Development: A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate one or more land uses.
~~Planned Development: A development involving the construction of two or more principal buildings on the same lot for any permitted use.~~

Porch: A covered area projecting from and structurally connected to a building.

Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed ~~4,500~~~~forty-five hundred (4,500)~~ pounds, or being of any weight provided its overall length does not exceed ~~28~~~~twenty-eight (28)~~ feet.
- b. Pick-Up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle."

Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

Research and Development: ~~An establishment~~ ~~Activities: Establishments~~ used primarily for research, development, ~~and/or~~ testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses."

Restaurant: An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

Restaurant, Drive-In Food Service ~~Establishment~~: A fast-order food service establishment ~~that establishment which~~ provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by ~~this~~~~the~~ Zoning Bylaw.

Restaurant, Fast-Order Food ~~Establishment~~: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten

outside the premises where it is sold.

Right-of-Way: The line determining the public limit or ownership on a street or highway.

Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded ~~in Section 5. by Section 6.19.~~

Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

Shed: A small accessory structure used for the storage of tools or equipment.

Sign: Any ~~permanent~~ structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, including illuminated signs. ~~This definition shall include signs located within a window. Awnings, marquees when illuminated. Marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of Section 6.2. when used in conjunction with signs as defined above.~~

~~A sign shall be painted, posted or otherwise securely affixed to a substantial intermediate-removable surface and, except for free-standing signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public."~~

Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage: The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign, Awning: A sign applied directly to or incorporated as part of an awning.

Sign, ~~Bracket~~~~Brackett~~: A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign Canopy: ~~Roof-like~~~~Rooflike~~ covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

Sign, Freestanding: A sign not a part of or attached to any building but generally located elsewhere on a lot.

Sign, Ground: A free-standing sign located on or close to the ground, the top of which shall not be higher than ~~4four~~~~(4)~~ feet above the ground.

Sign, Permanent: Any sign as defined above, intended to be erected and maintained for more than ~~60sixty~~~~(60)~~ days.

Sign, Portable: A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

Sign, Projecting: Any sign which is attached to a building or other structure and any part of which projects more than ~~12twelve~~~~(12)~~ inches from the wall surface of that portion of the building or structure in front of which the sign is positioned

Sign, Roof: Any sign erected, constructed and maintained upon or over the roof of any building.

Sign, Standing or Pole: A free-standing sign not exceeding ~~15fifteen~~~~(15)~~ feet in height with ~~8eight~~~~(8)~~ feet of clearance under the sign area and erected upon supporting devices or stands.

Sign, Temporary: Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed ~~60sixty~~~~(60)~~ days.

Sign, Wall: A sign not exceeding ~~4four~~~~(4)~~ feet in height securely affixed to a wall projecting no more than ~~12twelve~~~~(12)~~ inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: ~~25(a)-~~~~twenty-five~~~~(25)~~ feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

Sign, Primary Wall: A sign on the building face fronting on a street or parking lot frontage.

Sign, Secondary Wall: A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed ~~50%~~^{fifty (50) percent} of the maximum possible area of the primary wall sign.

Signs, Window: Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25-% of the area visible from the exterior of the building.

Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, Board and in accordance with provisions of Section 3 of this Bylaw~~Article 10~~.

Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this~~11.06 of the~~ Zoning Bylaw, the Arlington Redevelopment Board.

Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed ~~to be~~ a story when its ceiling is ~~4 feet 6 four (4) feet six (6)~~ inches or more above the finished grade. A cellar shall not be deemed ~~to be~~ a story. An attic shall not be deemed ~~to be~~ a story if unfinished and not used for human occupancy.

Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of ~~7 feet 3~~seven feet three inches or more.

Street: A public or private way which is 27 feet or more ~~feet~~ in right-of-way width, ~~which is~~ accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, wharfs~~shelters, piers, wharves~~, bin, fence, sign, shed, or the like.

Tract: A unit or contiguous units of land under single ownership or control.

Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable ~~because by virtue of having~~ its wheels have been removed or skirts have been attached, shall not be considered a building ~~infor the purposes of~~ this Bylaw.

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied, or maintained under this Bylaw.

Use, Substantially Different: A use which ~~because by reason~~ of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment, or similar characteristics from the use to which it is being compared.

Variance: ~~A~~Such departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and G.L. c. 40A, § 10. ZBA, upon appeal in specific cases, is empowered to authorize under the terms of Article 10.

Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for ~~the purpose of~~ providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw)~~by Section 6.19~~ and a lot line. Structures ~~that~~which are below the finished lot grade, ~~including shelters for nuclear fallout~~ shall not be deemed to occupy required yards.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeals~~ZBA~~: The Zoning Board of Appeals of the Town of Arlington, Massachusetts (“Board of Appeals” or “ZBA”).

3.1 Building Inspector; Enforcement.
~~Section 10.01 – Administrative Official.~~

A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the interpretation and enforcement of this Bylaw. It shall be the duty of the Inspector Of Buildings to administer and enforce the provisions of this Bylaw.

B. No person shall ~~Section 10.02 – Permit Required.~~ It shall be unlawful for any owner or person to erect, construct, reconstruct, convert, or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any building, other structure or lot without applying for and receiving the required permit(s) from the Building Inspector from the Inspector of Buildings the required building permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code.

C. No premises and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.

~~An application for a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Bylaw. A record of all applications, plans, and permits shall be kept on file by the Inspector of Buildings. The Inspector of Buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within thirty (30) days of receipt of the application.~~

~~No permit shall be issued under this section if the building, structure or lot as constructed, altered, relocated or used would be in violation of any provision of this Bylaw. Whenever such permit or license is refused because of some provisions of this Bylaw, the reason therefor shall be clearly stated in writing.~~

~~Section 10.04 – Certificate of Occupancy Required. No building hereafter erected, altered substantially in its use or extent or relocated shall be used or occupied, and no change shall be made of the use of any building or of any parcel of land, unless a certificate of occupancy signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such certificate shall not be granted unless the proposed use of the land and building and all accessory uses comply in all respects with this Bylaw and no use shall be made of such land or building that is not authorized by such certificate of occupancy.~~

~~Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within five (5)~~

~~days after the Inspector of Buildings has been notified in writing that the erection or alteration of such buildings has been completed. Failure of the Inspector of Buildings to act within five (5) days of receipt of said notification shall be deemed to constitute approval of the application for a certificate of occupancy. A record of all certificates shall be kept on file in the office of the Inspector of Buildings. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the Building Code and state laws or of this Bylaw to such a degree as to render it unsafe for the occupancy proposed.~~

3.1.2. Enforcement.

Section 10.08 - Notice of Violation:

A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation, as provided in G.L. c. 40A, § 7. If upon investigation and inspection the Building Inspector finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at the address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.

B. If after notice and demand the violation has not been abated within the time set by the Building Inspector, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation.

C. If the Building Inspector determines that there is no violation, the Building Inspector shall give written notice of the decision to the complaining person within 14 days after the receipt of such request.

~~If the Inspector of Buildings shall be informed or have reason to believe that any provision of this Bylaw has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist within 14 days of the receipt of a written complaint. If he shall find any such violation, he shall serve a WARNING to any owner or person responsible for such violation of the provisions of this Bylaw or the Town Bylaws, or in violation of any approved plan, information or drawing pertinent thereto, or in violation of a permit or certificate issued under the provisions of this Bylaw, and such WARNING shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Inspector of Buildings. Any owner, who having been served with a WARNING, and who ceases any work or other activity, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, morals or general welfare.~~

3.1.3. Appeal.

10.10 e. APPEALS.

An appeal to the Board of Appeals may be taken by any person aggrieved due to inability to obtain a permit or enforcement action from the Building Inspector, as provided in G.L. c. 40A, § 8, as amended.

~~1. Any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings under the provisions of this Bylaw, by any officer, department or board of the town, or by any order or decision of the Inspector of Buildings or other town official in violation of any provision of this Bylaw may take an appeal to the ZBA.~~

3.1.4. Penalty.

~~Section 10.09 - Prosecution of Violation.~~

A. If the notice of ~~violation~~WARNING is not complied with according to the time specified in the noticesaid WARNING, the Building Inspector may, in accordance with G.L. c. ~~Inspector of Buildings~~, pursuant to the provisions of MGL Chapter 40, Section 21D, ~~may~~ institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense. ~~The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.~~

B. ~~The Building Inspector may~~The Inspector of Buildings may also, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed ~~in an amount not to exceed three hundred dollars (\$300.00)~~ for each offense. Each day, or portion of a day, in which a violation exists shall be deemed~~that any violation is allowed to continue shall constitute~~ a separate offense.

~~Section 10.07 - Permit Time Limits~~

~~Any work for which any permit has been issued by the Inspector of Buildings shall be commenced within the time period specified in the Massachusetts State Building Code.~~

3.2 ZoningSection 10.10- Board of Appeals

3.2.1. Establishment.

~~a. MEMBERSHIP. There shall be a ZBA consisting of five (5) members and two (2) associate members. All members of said ZBA shall be residents of the Town of Arlington, one (1) member shall be an Attorney-At-Law, and at least one of the remaining members shall be a registered architect or a registered professional engineer.~~

There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the Board of Selectmen. All members of the Board shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

~~b. APPOINTMENT. Members of the ZBA in office at the effective date of this Bylaw shall continue in office for the duration of their appointed term. However, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act.~~

3.2.2. Powers.
~~10.10 c. POWERS.~~

The Board of Appeals ~~Under this Bylaw, the ZBA~~ shall have the following powers:

A1. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended. -

B2. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, -applications for special permits when designated as the special permit granting authority herein for exeptions.

C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 5.5.

~~3. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this Bylaw.~~

D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.

In exereising the powers under paragraph 3. above, the ZBA may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

E. To hear and decide applications for comprehensive permits for construction of low or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.

In exereising these powers, the ZBA may, in conformity with the provisions of this Bylaw and the Zoning Act, revise or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issue of a permit.

Section 10.12 - Variances

The Zoning Board of Appeals is empowered to grant variances to the provisions of this Bylaw in accordance with Section 10 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

3.2.3. Rules and Regulations

~~10.10 d. ADOPTION OF RULES.~~

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board's regulations shall include rules for hiring outside consultants.

~~The ZBA shall adopt rules, pursuant to the Zoning Act and not inconsistent with the provisions of the bylaws of the town, for conducting its business and otherwise carrying out the purposes of the Zoning Bylaw. A copy of such rules shall be filed in the office of the Town Clerk. Meetings of the ZBA shall be held at the call of the Chairman, and also when called in such other manner as the ZBA shall determine in its rules.~~

3.2.4. Fees

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with is review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations, in accordance with G.L. c. 44, § 53G and § 53G-1/2.

3.2.5. Repetitive Petitions

No appeal, or petition for a variance from the terms of this Bylaw denied by the Board of Appeals, or special permit denied by either the Board of Appeals or Arlington Redevelopment Board shall be considered again on its merits within two years from after the date of denial action except under the following circumstances:

A. At least all but one member of the Arlington Redevelopment Board votes to allow the refiling of the application, and

B. The Board that denied the initial application then finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based.

~~10.10(e) 5. No appeal or petition under paragraph e.3. above for a variance from the terms of this Bylaw with respect to a particular parcel of land or the building thereon, and no application under paragraph e.2. above for a special permit under the terms of this Bylaw, which has been unfavorably acted upon by the ZBA shall be considered on its merits by said ZBA within two (2) years after the date of such unfavorable action except with the consent of all but one of the members of the ARB; provided, however, that an annulment of a favorable decision of said ZBA by the Court pursuant to the authorization contained shall not constitute unfavorable action within the meaning of this paragraph.~~

~~10.10 c. APPEALS:~~

~~1. Any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings under the provisions of this Bylaw, by any officer, department or board of the town, or by any order or decision of the Inspector of Buildings or other town official in violation of any provision of this Bylaw may take an appeal to the ZBA.~~

~~2. Any person desiring to obtain the permission of the ZBA for any purpose for which such permission is required under the provisions of this Bylaw shall make application in writing therefor within thirty (30) days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk. The Town Clerk shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed, and to the members of the ZBA. Such officer or board shall forthwith transmit to the ZBA all documents and papers constituting the record of the case in which the appeal is taken.~~

~~3. The ZBA shall fix a reasonable time for the hearing of any appeal or other matter referred to it or any petition for a variance, and shall cause the notice of the time and place of such hearing thereof and the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and also before the day of the hearing shall send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the ZBA to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, notwithstanding that the abutting land or the next adjoining land is located in another city or town, as they appear on the most recent local tax list, and to the ARB. The publication required by this section shall contain the following printed in bold face type: (1) the name of the petitioner; (2) the location of the area or premises which are the subject of the petition; and (3) the date and place of the public hearings. At the hearing, any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.~~

~~4. The Chairman of the ZBA, or in his absence the Acting Chairman, may administer oaths, but must do so for hearings involving MGL Chapter 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The ZBA and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in Sections 9 and 15 of the Zoning Act. The ZBA shall cause to be made a detailed record of its proceedings which in the case of MGL 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decisions, and of its other official actions, copies of all of which shall be filed within fourteen (14) days in the office of the Town Clerk and the office of the ARB and shall be a public record, and notice or decisions shall be mailed immediately to parties in interest as designated in paragraph c.3. above, and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the ZBA shall issue to the land owner a notice, certified by the chairman or clerk, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special~~

~~permit has been granted which is set forth in the decision of the ZBA on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Middlesex County Registry of Deeds.~~

~~f. OTHER REQUIREMENTS. The granting of any appeal by the ZBA shall not exempt the applicant from any provision of this Bylaw not specifically ruled upon by the ZBA or specifically set forth as exception in this particular case from a provision of this Bylaw. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the ZBA in authorizing a special permit or variance without appealing to the ZBA as a new case over which the ZBA shall have complete administrative power to deny, approve or modify.~~

3.3 Special Permits

Section 10.11 – Special Permits

3.3.1. Special Permit Granting Authority

~~Certain uses, structures or conditions are designated as special permit uses in Article 5, Table of Use Regulations, and elsewhere in this Bylaw. Upon written application duly made to the ZBA, or to the ARB for uses that come under the provisions of Section 11.06, the ZBA or the ARB may, in appropriate cases subject to the applicable conditions set forth in Article 11 of this Bylaw and elsewhere and subject to other appropriate conditions and safeguards, grant a special permit for such uses or conditions and no others.~~

In this Bylaw, the Board of Appeals and Arlington Redevelopment Board have the power to grant special permits. The appropriate special permit granting authority is specifically designated where applicable.

3.3.2. Procedures

A. Application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.

B. Public Hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue and file a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

~~In addition to new uses of buildings or of land which require(s) a special permit according to Section 5.04, other uses in the Table of Use Regulations shall be subject to a special permit when: one use is converted to another use category or subcategory listed as a special permit use in Section 5.04 for the District in question; a special permit use is expanded so that its cumulative size exceeds a threshold specified in Section 5.04 (for example, a retail use or building exceeding 3,000 square feet in total floor area per Principal Use 6.16); changes are made in the exterior of a structure housing a special permit use, including uses which have not previously been granted a special permit; or material changes in use characteristics occur within the same use category for Vehicular Oriented Businesses (uses 6.01 to 6.05) or Eating Establishments (uses 6.12 to 6.14) which are listed as special permit uses, including uses which have not previously been granted a special permit. Material changes in use characteristics shall include changes in business practices or occupancy which result in a change in the principal product or service being traded, such as a fast food hamburger establishment replacing a fast food ice cream establishment or an automotive muffler shop replacing an automotive tune-up establishment.~~

3.3.3. Decision Criteria

Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the characteristics of the site and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:

~~10.11 a. Before granting an application for a special permit for a use listed in Section 5.04, the ZBA or the ARB with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following special permit standards to be met:~~

3.3.3. Decision Criteria

10.11(a)

A. 1. The use requested is listed ~~in the Table of Use Regulations~~ as a special permit use in the use regulations for the applicable district~~district for which application is made~~ or is so designated elsewhere in this Bylaw.

B. 2. The requested use is essential or desirable to the public convenience or welfare.

C. 3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

D. 4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

E. 5. Any special regulations for the use as may be provided in this Bylaw~~, set forth in Article 11,~~ are fulfilled.

F. 6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health~~, morals,~~ or welfare.

G. 7. The requested use will not, by its addition to a neighborhood, cause an excess of the that-~~particular~~ use that could be detrimental to the character of said neighborhood.

3.3.4. Special Permit Conditions

Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:

A. Dimensional standards more restrictive than those set forth in Section 7 of this Bylaw;

B. Screening buffers or planting strips, fences, or walls;

C. Modification of the exterior appearance of the structures;

D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;

E. Limitations on signage, noise, or hours of operation of construction equipment;

F. Regulation of number and location of driveways, or other traffic features;

G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;

H. Deadline to commence construction;

I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;

J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;

K. Limitation on the term or duration of a special permit, with or without automatic renewals, to the extent allowed by law;

L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

~~10.11 b. The ZBA or the ARB shall also impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Bylaw, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences, or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this Bylaw. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other~~

~~security for compliance with said conditions in an amount satisfactory to the ZBA or the ARB. Any special permit granted under this section shall lapse within two years if a substantial use thereof has not sooner commenced except for good cause, in the case of permit for construction, if construction has not begun by such date except for good cause.~~

3.3.5. Recording; Lapse

A. Special permits or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.

B. Special permits shall lapse within three years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

~~10.11 c. In order that the ZBA, or in cases subject to Section 11.06, the ARB may determine that the above-mentioned special permit standards are to be met, a site plan shall be submitted, in duplicate, to the ZBA, or ARB as appropriate, by the applicant. In the case of Special Permits for uses, listed in the Table of Use Regulations, all such site plans shall be prepared, signed and stamped by a professional land surveyor or professional engineer registered in Massachusetts unless the Special Permit Granting Authority waives the requirement in writing~~

~~Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features, such as fences, walls, planting areas and walks.~~

~~The ZBA shall within ten (10) days after receipt thereof transmit one copy of such plan to the ARB. The ARB may, in its discretion, investigate the case and report in writing its recommendations to the ZBA.~~

~~The ZBA shall not take final action on such plan until it has received a report thereon from the ARB or until said ARB has allowed thirty (30) days to elapse after receipt of such plan without submission of a report thereon.~~

~~3.4~~~~Section 11.06~~ Environmental Design Review

3.4.1. Purposes

~~a. PURPOSE.~~

The purpose of ~~Section 3.4~~~~this section~~ is to provide individual detailed review of certain uses and structures ~~that~~~~which~~ have a substantial impact ~~on~~~~upon~~ the character of the town and ~~on~~~~upon~~ traffic, utilities, and property values ~~therein~~, thereby affecting the public health, safety and general welfare ~~thereof~~. The environmental design review process is intended to promote the ~~purposes specific purpose listed in Section 1.03 of this Bylaw. For the purpose of~~ implementation of this Section, the ARB is designated as the Special Permit Granting Authority ~~in accordance with the provisions of Chapter 40A, Section 1.~~

3.4.2. Applicability

b. APPLICATION:

~~1.~~ In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and, ~~b) is subject to a~~ special permit in accordance with ~~use regulations for the applicable district or (b) Section 5.04, Table of Use Regulations, or~~ alters the ~~façade~~ in a manner that affects the architectural integrity of the structure, and c) is one of the uses listed ~~included in subparagraphs (a), (b), (c), (d), (e), (f), (g), or (h)~~ below, the ~~aforementioned~~ special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4 ~~hereinafter specified~~.

A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.

~~(a) Construction or reconstruction on a site abutting~~

~~Massachusetts Avenue~~

~~Pleasant Street~~

~~Mystic & Medford Streets between Massachusetts Avenue and Chestnut Street~~

~~Broadway~~

~~Minuteman Bikeway~~

B. ~~(b)~~ Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, to be constructed within a two-year period.

C. ~~(c)~~ Gasoline service stations.

D. Single-room occupancy building or ~~(d) Lodging house, bed and breakfast, bed and breakfast, home or a rehabilitation residence~~ with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

E. ~~(e)~~ Nonresidential uses and hotels ~~or~~ motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.

F. ~~(f)~~ Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

G. Mixed-Use

H.(g) Outdoor uses.

I.(h) Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.

J. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.

(i) Mixed Use

K. Parking in the Open Space District.

2. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District shall be subject to the environmental design review procedures and standards hereinafter specified.

L. Medical Marijuana Treatment Center.

3. Parking in the Open Space District shall be subject to the environmental design review procedures and standards hereinafter specified.

M. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

4. Use 7.10 (Medical Marijuana Treatment Center) shall be subject to the environmental design review procedures and standards hereinafter specified.

3.4.3. Procedures

~~11.06 c. PERMIT AND PROCEDURE.~~

~~A. Application. Applicants 1. Uses subject to the provisions of this section may be allowed by special permit. Any person desiring such a permit shall submit an application for Environmental Design Review to the ARB in accordance with the Arlington Redevelopment Board's rules and regulations. application procedure for special permits.~~

~~B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.~~

~~A copy of the application with the accompanying plans, photographs, and sign permit application shall be submitted at the same time to the Department of Planning and Community Development.~~

~~C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.~~

~~2. Planned Unit Development District. Every developer in a Planned Unit Development district shall file an application for an environmental design review. The application shall include the material listed in 11.06(d), as well as the following:~~

~~D. A favorable decision by the Board shall require the votes of at least four members.~~

~~(a) The plans shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s), setbacks, and all other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury.~~

~~(b) The corner points of the lot (or lots under common ownership) and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked.~~

~~The ARB shall review the plans and model and may grant a special permit subject to the conditions and safeguards listed in Section 10.11(b). The ARB for stated reasons may deny approval of a special permit or may approve a special permit without a finding of hardship.~~

~~The site plan shall be subject to the standards listed in Section 11.06(f) and the ARB shall make a determination that the project meets these standards.~~

~~Before granting a special permit, the ARB shall hold a public hearing, notice of which shall be given in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership, and to all~~

~~property owners deemed by the ARB to be affected thereby. The ARB shall make a copy of the site plan, the model, the application and any other supporting material submitted, immediately available to the Department of Planning and Community Development and they shall have an opportunity to prepare written reports with recommendations to be submitted to the ARB before or at the public hearing. The failure of the Department of Planning and Community Development to submit written reports or to give an oral report at the public hearing shall not invalidate action by the ARB. A favorable decision by the ARB shall require the votes of at least four members of said Board.~~

d. ~~REQUIRED SUBMITTALS.~~ In addition to the site plan required for special permits in Section 10.11(c) of this Bylaw, the application shall be accompanied by the following:

~~1. Model. An inexpensive study model or final presentation model at a minimum scale of 1" = 40' showing the tract, abutting streets, proposed contours, proposed buildings, and the massing of abutting buildings. (Not required for additions, alterations, or changes in use which increase gross floor area by less than 100 percent.)~~

~~2. Drawing of Existing Conditions. A drawing (at a minimum of 1" = 20' unless another scale is found suitable by the Department of Planning and Community Development) showing the location, type, size, or dimension of existing trees, rock masses, existing topography at two (2)-foot contours, and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a special permit, all existing trees, rock masses, and other natural features shall be retained until a special permit is approved.~~

~~3. Drawing of Proposal.~~

~~(a) Structure: a drawing including color and type of surface materials showing front and rear elevations, and side elevations where there are no adjoining buildings, and floor plans.~~

~~(b) Landscape: a drawing showing the location, dimensions, and arrangements of all open spaces and yards, including type and size of planting materials, color and type of surface materials, methods to be employed for screening, and proposed topography at two (2) foot contours.~~

~~4. Photographs. Photographs showing the proposed building site and surrounding properties, and of the model (if required). Applications for alterations and additions shall include photographs showing existing structure or sign to be altered and its relationship to adjacent properties.~~

~~5. Impact Statement. Statement by applicant with explanation of how each of the environmental design review standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or Federal regulations may be accepted as a substitute in lieu of this statement.~~

~~6. Application for permit and accompanying plans as specified under Section 10.05 for each sign that is to be erected on the proposed structure(s).~~

~~7. In lieu of the required submittals listed above, an application for a special permit under Use 8.24 of Section 5.04 shall include an overall signage plan comprised of the information required under Section 7.08(b) as well as perspectives, renderings, photographs, models, or other representation sufficient to show the nature of the proposed overall signage plan and its effect on the immediate surroundings.~~

~~e. ARLINGTON REDEVELOPMENT BOARD PROCEDURE. The ARB shall within 10 days refer the proposal and model thereof to the Department of Planning and Community Development which for the purposes of this section shall serve in an advisory capacity to the ARB. The Department of Planning and Community Development shall evaluate the proposed use on the basis of the standards set forth in paragraph f. of this section and Section 10.11(a), using outside consulting services when appropriate, and shall submit its findings and recommendations in a design review report to the ARB which specifically addresses each standard individually.~~

~~The ARB shall not take final action on an application for a special permit under this section until it has received the design review report or until 30 days have elapsed after submittal of said proposal to the Department of Planning and Community Development.~~

~~E. The Board~~The ARB shall not deny a special permit under this Section 3.4 required by this section unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below ~~standards listed in paragraph f.~~ to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, in which the use is proposed, or of the town and upon traffic, utilities, and public or private investments ~~therein~~, thereby conflicting with the purposes of this Bylaw.

3.4.4. Environmental Design Review Standards

~~11.06 f. ENVIRONMENTAL DESIGN REVIEW STANDARDS.~~

The following standards shall be ~~used~~utilized by the ~~Arlington Redevelopment~~ Board and the Department ~~of Planning and Community Development~~ in reviewing ~~all~~ site and building plans. ~~The~~These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. ~~They~~ These standards shall not be regarded as inflexible requirements and they. ~~They~~ are not intended to discourage creativity, invention, and innovation. ~~The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in subsections (1) through (11) below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.~~

The specification of one or more architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards in order to administer this Section 3.4, and maintain those guidelines on file with the Department and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

Section ~~3.4.411.06(f)~~

~~A. 1.~~ Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

~~B2.~~ Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing ~~so as~~ to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.

~~C3.~~ Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

~~D4.~~ Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

~~E5.~~ Surface Water Drainage. Special attention shall be given to proper site surface drainage so that ~~_~~removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. ~~_~~ Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching ~~catch basins. catchbasins.~~ Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. ~~_~~The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

F6. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

G7. Advertising Features, subject to the provisions of Section 6.2 below. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

H8. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

I9. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

J10. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

K11. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

L12. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership ~~®~~-in Energy and Environmental Design (LEED~~®~~-) checklist, appropriate to the type of development, ~~®~~-annotated with narrative description, that indicates how the LEED~~®~~ performance objectives will be incorporated into the project.

4.1~~Section 3.01~~ – Establishment of Districts.

For ~~the~~ purposes of this Bylaw, the Town of Arlington is ~~hereby~~ divided into the following districts~~19 districts to be known as:~~

~~Full name and class~~ ~~Short name~~

~~Residence 0 — Residential — R0~~

~~Residence 1 — Residential — R1~~

~~Residence 2 — Residential — R2~~

~~Residence 3 — Residential — R3~~

~~Residence 4 — Residential — R4~~

~~Residence 5 — Residential — R5~~

~~Residence 6 — Residential — R6~~

~~Residence 7 — Residential — R7~~

~~Business 1 — Business — B1~~

~~Business 2 — Business — B2~~

~~Business 2A — Business — B2A~~

~~Business 3 — Business — B3~~

~~Business 4 — Business — B4~~

~~Business 5 — Business — B5~~

4.1.1. Use Districts

~~Multi-Use — Multi-Use — MU~~

~~Planned Unit Development Planned Unit Development PUD~~

~~Industrial — Industrial — I~~

~~Transportaion — Transportation — T~~

~~Open Space — — OS~~

A. Residential

(1) Residence 0 (R0)

(2) Residence 1 (R1)

(3) Residence 2 (R2)

(4) Residence 3 (R3)

(5) Residence 4 (R4)

(6) Residence 5 (R5)

(7) Residence 6 (R6)

(8) Residence 7 (R7)

B. Business

(1) Business 1 (B1)

(2) Business 2 (B2)

(3) Business 2A (B2A)

(4) Business 3 (B3)

(5) Business 4 (B4)

(6) Business 5 (B5)

C. Other Districts

(1) Industrial (I)

(2) Multi-Use (MU)

(3) Planned Unit Development (PUD)

(4) Transportation (T)

(5) Open Space (OS)

~~Residential Districts, as a group, are herein referred to as "R" districts.~~

4.1.2. Overlay Districts (Reserved)

~~Business Districts, as a group, are herein referred to as "B" districts.~~

~~4.2~~Section 3.03- Zoning Map

~~Zoning districts are~~ The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the Town of Arlington" (the Zoning Map), ~~Massachusetts," dated April, 1998 and on file in the Office of the Town Clerk and the~~ Department of Planning and Community Development. The district boundaries shown on the Zoning Map, which map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation," dated April, 1998, with all explanatory matter thereon is declared to be a part of this Bylaw.

Section 3.04- Changes to Map

~~Any change in the location of boundaries of a Zoning District hereafter made through the amendments of this Bylaw shall be indicated by the alteration of such map and the map, thus altered, is declared to be a part of the Bylaw thus amended.~~

4.2.1. Interpretation of District Boundaries.

Section 3.05 -- Boundaries of Districts.

The location of ~~district boundaries shown on the boundary lines of districts shown upon~~ the Zoning Map shall be determined as follows:

Aa. Where a boundary is indicated as a street, alley, railroad, ~~rapid~~ transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.

Bb. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined ~~using by the use of~~ the scale shown on the Zoning Map.

Cc. Where a dimensioned boundary or the actual property boundary coincides within ~~10~~~~ten~~ (10) feet or less with a lot line, the boundary shall be construed to be the lot line.

Dd. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.

Ee. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.

Ff. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."

Gg. Whenever any uncertainty exists as to the exact location of a boundary line, the ~~interpretation made location of such line shall be determined~~ by the Inspector of Buildings shall control pending appeal, provided, however, that any person aggrieved by his decision may appeal to the ZBA.

Section 5. District Regulations
~~ARTICLE 5 USE REGULATION~~

5.1 General Provisions

~~Section 5.01 - Applicability of Use Regulations~~

~~No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.~~

~~Except as provided in this Bylaw, no building, structure, or land shall be used except for the purposes permitted in the district as described in this article. Any use not listed shall be construed to be prohibited.~~

5.2 Use Regulations Applicable in All Districts

Section 5.02 -- Permitted Uses

5.2.1. Permitted in All Districts

~~In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the word "yes," except that any use listed in the following Table of Use Regulations as a permitted use, the proposed location of which does not abut on a street which is laid out and approved by the Board of Survey as a traveled way, or which has not been built to subgrade, so that such way or street is passable for fire apparatus and other traffic, or which abuts on a street or way in which there is no public sewer or in which there is no water available for connection with the building after completion, may be allowed only by special permit. Those uses that may be permitted by special permit in the district, in accordance with Articles 10 and 11, shall be designated by the letters "SP." Uses designated with a blank shall not be permitted in the district.~~

The following uses are permitted in all districts:

~~A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.04 "Table of Use Regulation." For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses. In the case of existing commercial uses, the addition or expansion of residential use within the existing building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property.~~

A. Federal government use.

~~Section 5.03 -- Uses Subject to Other Regulations~~

B. Property of the Commonwealth to the extent exempt from local zoning under state law.

~~Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this Bylaw.~~

C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

~~Section 5.04 -- Table of Use Regulations~~

5.2.2. Prohibited Uses

A. Any use not listed in the Tables of Uses for various districts in Section 6 or otherwise allowable under the provisions of this Bylaw is prohibited.

~~See table on accompanying pages which is declared to be a part of this Bylaw.~~

B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

5.2.3. Accessory Uses

An accessory use shall not alter the character of the premises on which it is located or have an

adverse impact on the surrounding area.

5.3.1 ~~Section 6.09~~ - Lot Area Per Dwelling Unit

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts ~~(such as for parking under Uses 5.07 and 5.08)~~ shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

5.3.2.~~Section 6.01~~ – Reduction of Lot Areas and Separation of Lots

Aa. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this ~~Bylaw~~bylaw, nor may these areas include any property of which the ownership has been transferred after ~~subsequent to~~ the effective date of this ~~Bylaw if the~~bylaw if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

Bb. Lots ~~shall not be~~ separated or transferred in ownership must upon transfer either~~so as not to~~ comply with the provisions of this Bylaw or be deemed noncompliant. ~~bylaw.~~

5.3.3. Spacing of Residential and Other Buildings on One Lot

Section 6.03 - ~~Spacing of a Residential Building on the same Lot with Another Principal Building~~

Aa. Where two or more main buildings to be used as dwellings are proposed for construction on ~~to be built upon~~ property in one ownership or where one or more of the such buildings are proposed on land upon property where there are one or more existing residential buildings, the required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. However, the Board of Appeals or, for projects requiring Environmental Design Review ~~The ZBA, or in cases subject to Section 11.06,~~ the Arlington Redevelopment Board ARB, ~~however,~~ may grant a special permit to by special- ~~permit,~~ modify the yard dimensions between such buildings designed and intended to remain under common the same ownership and management where it is demonstrated that there will result light and air, air, sunlight, and amenity of a standard no lower than would result from compliance with either Board's minimums ~~such~~ requirements.

Bb. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a mixed-use building with commercial uses on the ground floor and residential uses above), each such building shall be independently provided with all required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.

~~c. When a permitted main building to be used as a dwelling is to be located on the same lot with and beside a permitted nonresidential building, required front, side and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application.~~

5.3.4~~Section 6.04~~ - Spacing of Nonresidential Buildings on the Same Lot

A. Where two or more main buildings for nonresidential ~~other than residential~~ uses are proposed ~~for construction on to be built upon~~ property in one ownership, the minimum required front, side, and rear yards ~~shall be met~~are required only at lot lines abutting other property.

B. For buildings in educational or religious use, the maximum floor area ratio requirements shall be less restrictive than as specified for the district in the following respects:
~~Section 6.05 - Exceptions to Dimensional Requirements for Uses 2.05 and 2.07~~

(1) Where several lots in one ownership and in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all lots may be aggregated in calculating floor area ratio.

a. ~~The floor area ratio requirements as applied to Uses 2.05 and 2.07 listed in Section 5.04 shall be less restrictive than as specified in Section 6.00 in the following respects:~~

(2) The maximum floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50%.

~~1. Where several lots in the same ownership and also in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all such lots may be aggregated in calculating floor area ratio.~~

~~2. The floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50 percent.~~

The Board of Appeals or Arlington Redevelopment Board, as applicable, may approve. ~~Under a special permit, the ZBA, or in cases subject to Section 11.06, the ARB may permit further modifications in the district's dimensional requirements~~dimensional requirements specified in Article 6 as applied to Uses 2.05 and 2.07 to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

5.3.5.~~Section 6.11~~ Land Area Included in Calculation of Floor Area Ratio

Land area to be included in ~~calculating the calculation of~~ the maximum floor area shall include all contiguous lots under one ownership ~~located and~~ in zoning districts with the same or greater maximum floor area ratio ~~as specified in Section 6.00~~. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

~~5.3.6, Section 6.12~~ - Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

~~Aa.~~ The ~~Board of Appeals ZBA~~ or the ~~Arlington Redevelopment Board, as applicable, ARB~~ may grant ~~by~~ special permit subject to the standards ~~in Section 3.3 or 3.4 of Section 10.11 and/or Section 11.06~~, as appropriate, ~~to allow~~ a maximum gross floor area higher than is permitted in ~~the district Section 6.00~~, subject to the procedures, limitations, and conditions specified ~~below in this section~~, for a lot (or part of a lot) which meets the following basic requirements:

~~(1)1.~~ The lot (or part of a lot) is ~~located~~ in a district with a floor area ratio of 1.2 or greater.

~~(2)2.~~ The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of ~~this Section 5.3.5 Section 6.12~~ are satisfied.

~~(3)3.~~ Nonresidential properties listed as ~~contributing structures~~ ~~Contributing Structures~~ in National Register Historic Districts shall be allowed an increase in ~~floor area ratio~~ ~~Floor Area Ratio~~ up to a maximum of 2.6 by ~~special permit~~ ~~Special Permit heard by the ZBA or ARB as appropriate~~.

~~Bb.~~ To aid the ~~special permit granting authority in making the required findings~~ ~~ZBA in making the findings required in Section 10.11 and the ARB in preparing the advisory report provided for in Section 11.06~~, the applicant shall submit the materials required by ~~3.4~~ ~~Section 11.06~~ in addition to the usual drawings at the time of application.

~~Ce.~~ The additional gross floor area granted in accordance with this Section ~~5.3.56.12~~ shall not exceed the following percentages of the gross floor area permitted in ~~the applicable district Section 6.00~~ except for buildings in ~~Subsection Ca.3~~ above.

R7, B5 Districts R6, B2A, B4 Districts

~~Maximum Allowable: 33% 25%~~

~~1. Maximum allowable 33% 25%~~

~~Each Condition:~~

~~2. Each condition~~

~~-Large lot 25% 20%~~

~~-Low or moderate income 25% 20%~~

~~-Extra open space on lot 15% 10%~~

~~-Public access 15% 10%~~

~~-Preservation of landmarks~~ ~~Landmarks~~ 15% 10%

~~-Large dwelling units 10% 5%~~

~~Dd.~~ The ~~special permit granting authority may approve~~ ~~ZBA, or in cases subject to Section 11.06, the ARB may grant~~ additional gross floor area where any of the following conditions ~~apply~~ ~~pertain~~, subject to the limitations in ~~Subsection C~~ ~~paragraph e.~~ and in accordance with the ~~goals development plans and policies of the Arlington Master Plan~~ ~~Town of Arlington~~. The

additional gross floor area shall be calculated separately for each condition based upon the gross floor area permitted in ~~the applicable district~~Section 6.00.

~~(1)1-~~ For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio ~~for the district by specified in Section 6.00 at the rate of~~ one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.

~~(2)2-~~ Where dwelling units are affordable housing units, ~~the subject to control of age of occupants or maximum rents in order to comply with the conditions of Federal or state legislation or regulations thereunder relating to subsidy for low or moderate income housing, such gross floor area~~ for each affordable unit attributable to such controlled dwelling units may be allowed in excess of the gross floor area ~~for the district as calculated by the ordinary application of the requirements of Section 6.00.~~

~~(3)3-~~ Where landscaped open space or usable open space is provided in excess of the minimum ~~required in the districts specified in Section 6.00~~, additional gross floor area may be allowed at the rate of two ~~(2)~~ square feet of gross floor area for each one ~~(1)~~ square foot of either kind of open space in excess of the minimum requirements. ~~The said~~ minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.

~~(4)4-~~ For a dwelling with an average gross floor area per dwelling unit ~~more than in excess of~~ 1,100 square feet, ~~such excess gross floor area may be allowed above the maximum for the district in excess of the gross floor area as calculated by the ordinary application of the requirements of Section 6.00.~~ Any gross floor area to be used for offices or, ~~for any other nonresidential principal use, or for Use 8.09~~ shall not be included in calculating the average gross floor area per dwelling unit.

~~(5)5-~~ When usable land is deeded or an easement granted for public access and use, additional gross floor area may be allowed at the ratio of ~~10 ten (10)~~ square feet of gross floor area to one ~~(1)~~ square foot of such land. Land so deeded or controlled by easement shall not be counted~~be counted~~ toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.

~~(6)6-~~ When architecturally or historically significant buildings, as listed in the "Inventory of Historically or Architecturally Significant Properties in the Town of Arlington"~~documented by the Arlington Historical Commission~~, are preserved, additional gross floor area may be allowed at the ~~rate~~ratio of eight ~~(8)~~ square feet of gross floor area to each one square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

~~5.3.7. Section 6.16--~~ Screening and ~~Buffers: Space Buffers--~~ Industrial and Business Districts and Parking Lots

~~Aa.~~ Screening and space buffers shall be required in any industrial (I) or business (B) district ~~that~~~~which~~ abuts certain buildable residential lots. The minimum width of ~~the buffer~~~~this strip~~ shall be as follows:

I or B District Abutting R District		Minimum Buffer
Industrial or Business Districts		Residential Districts
		Minimum Width
I, B5	R0 through thru R5	25 ft
B3, B2A B2a , B4	R0 through R5	25 thru R5 15 ft
I	R6 through and R7	10 ft
B1, B2	R0 through thru R5	10 ft

The strip shall contain a screen of plantings ~~of vertical habit~~ not less than three ~~feet wide (3) feet in width~~ and six ~~feet high (6) feet in height~~ at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than ~~20~~~~twenty (20)~~ feet on center; and shall ~~thereafter~~ be maintained by the owner or occupants so as to maintain a dense screen year-round. At least ~~50~~~~fifty (50)~~ percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five ~~(5)~~ to six ~~feet high (6) feet in height~~, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer ~~strip; strip~~; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section ~~6.18.12~~ nor the minimum yard requirements of ~~the district. No screen~~ ~~Section 6.00. No screen~~ shall be closer than ~~10 feet to ten (10) feet to~~ a public ~~or or~~ private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the ~~Building Inspector~~~~building inspector~~, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence.

~~Bb.~~ For any area used for the parking of more than five vehicles, ~~the~~ screening provisions of Section ~~6.1, Off-Street Parking and Loading, 8.12~~ shall apply.

5.3.8.~~Section 6.17~~ Corner Lots and Through Lots

Aa. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.

Bb. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

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5.3.9 ~~Section 6.19~~ Projections into Minimum Yards

A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half ~~half~~ ~~(3-1/2)~~ feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.

B. Unenclosed steps, ~~an unroofed porch~~ ~~unroofed porches~~ and the like, which do not project more than ~~10~~ ~~ten~~ ~~(10)~~ feet in the front yard, or more than five ~~(5)~~ feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, unroofed porches and the like which do not project more than ~~10~~ ~~ten~~ ~~(10)~~ feet into the required rear yard and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built

C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

5.3.10. Average Setback ~~Section 6.20--Exception to Minimum Front Yard; All R Districts--~~
~~Average Setback~~

Where the required lot frontage of developed residential lots along a block amounts to more than ~~50%~~~~fifty (50) percent~~ of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

5.3.11 ~~Section 6.21~~ - Dimensional Requirements for Courts

~~a.~~ Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard ~~in the districts specified in Section 6.00~~ shall be provided between the wings, but not less than ~~25~~ ~~twenty-five (25)~~ feet.

5.3.12. Section 6.22 -- Traffic Visibility Across Corners

A. Across Street Corners. Between the property lines of intersecting streets and a line joining points on ~~the property lines 20 such lines twenty (20)~~ feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any Rresidencee district may be erected and no vegetation other than shade trees may be maintained between a height of three ~~(3)~~ feet and seven ~~(7)~~ feet above the plane through their curb grades.

Section 6.23 -- Traffic Visibility for Driveways

B. Visibility for Driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half ~~(2-1/2)~~ feet in height above the adjacent ground within five ~~(5)~~ feet of the front lot line unless it can be shown that ~~thesuch~~ vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

5.3.13 ~~Section 6.24~~ - Accessory Underground Structures

A. Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where landscaped open space~~Landscaped Open Space~~ is required, no underground structure or building shall be located beneath more than 50%~~fifty (50) percent~~ of the required landscaped open space~~Landscaped Open Space~~, nor nearer to any lot line for more than 75%~~seventy-five (75) percent~~ of the length of ~~the~~that lot line.

~~5.3.14. Section 6.25 - End~~ Yards for ~~Townhouse~~Town House Structures

~~A. One townhouse~~ One town house structure shall be separated from the end of another ~~townhouse town house~~ structure by a distance not less than two times the minimum side yard ~~of specified in Section 6.00 for~~ the district in which the site is located.

~~Section 6.21 - Dimensional Requirements for Courts~~

~~Bb.~~ When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less than the sum of the minimum front and rear yards specified for the district in which they are located.

5.3.15 ~~Section 6.26~~ - Buildings of Uneven Height or Alignment

Aa. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either $(H1 + L1)/6$ or $(H2 + L2)/6$ whichever is greater, where:

H1 = the height of the taller portion of the building;

H2 = the height of the lower portion of the building;

L1 = the length of the taller portion of the building; and

L2 = the entire length of the building.

Where the formula $10 + L/10$ applies, L shall be defined as L2 above.

Bb. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be $(H + L1)/6$ for the portion of the building nearer the lot line; and $(H + L2)/6$ for the portion of the building further from the lot line, where:

H = the height of the building;

L1 = the length of the portion of the building nearer the lot line; and

L2 = the entire length of the building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L1/10)$ for the portion of the building nearer the lot line; and $10 + (L2/10)$ for the portion of the building further from the lot line, with L1 and L2 defined as above.

Ce. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

~~(1)1~~. Where the taller part of the building is nearer to the lot line required yards and setbacks shall be $(H1 + L1)/6$ for the portion of the building nearer to the lot line; and $(H2 + L2)/6$ for the portion of the building further from the lot line, where:

H1 = the height of the taller part of the building;

H2 = the height of the lower part of the building;

L1 = the length of the taller part of the building; and

L2 = the entire length of the building.

~~(2)2~~. Where the formula $10 + (L/10)$ applies, required yards and setbacks shall be $10 + (L1/10)$ for the portion of the building nearer the lot line; and $10 + (L2/10)$ for the portion of the building further from the lot line, with L1 and L2 defined as above.

~~(3)3~~. Where the taller part of the building is further from the lot line, required yards and setbacks shall be $(H1 + L2)/6$ for the portion of the building further from the lot line; and $(H2 + L1)/6$ for the portion of the building nearer the lot line, where:

H1 = the height of the taller part of the building;

H2 = the height the lower part of the building;

L1 = the length of the lower part of the building; and

L2 = the length of the entire building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L1/10)$ for

the portion of the building nearer the lot line; and $10 + (L2-/10)$ for the portion of the building further from the lot line, with L1 and L2 defined as above.

5.3.16~~Section 6.27~~ Yards or Setbacks for Lots Adjoining a Street or Public Open Space

In cases subject to Section ~~3.4~~~~11.06~~ Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to~~by Special Permit~~ adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

5.3.17. Upper-Section 6.285 — Upper Story Building Step Backs

For buildings ~~more than three in excess of three (3)~~ stories in height, an additional 7.5-foot step-
~~seven and one half (7.5) foot step~~ back (upper story building setback) shall be provided
beginning at the third ~~(3rd)~~ story level or 30thirty (30) feet above grade, whichever is less. The
upper story ~~step-backstepback~~ shall be provided along all building elevations with street
frontage, excluding alleys.

5.3.18, Section 6.29 - Balconies and Roof as Portion of Usable Open Space

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a ZBA, or in cases subject to Section 11.06, the ARB may authorize by special permit that private balconies with a least dimension of six ~~(6)~~ feet and open space on a roof not more than 10~~ten (10)~~ feet above the level of the lowest story used for dwelling purposes may be counted up to 50%~~percent~~ of the usable open space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

5.3.19. Section 6.13 -- Reduced Height Buffer Area Limits in Height Buffer Areas

A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5~~Section 6.00~~, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

<u>Land in R0, R1, R2, OS is located</u>	<u>Lower height shall apply</u>
<u>Between northwest and northeast</u>	<u>Within 200 feet</u>
<u>Easterly, between northeast and southeast, or westerly between northwest and southwest</u>	<u>Within 150 feet</u>
<u>Southerly, between southeast and southwest</u>	<u>Within 100 feet</u>

- ~~a. Two hundred (200) feet if the direction of land in the R0, R1, R2 or OS district is northerly, between northwest and northeast.~~
- ~~b. One hundred and fifty (150) feet if such direction is easterly, between northeast and southeast, or westerly between northwest and southwest.~~
- ~~c. One hundred (100) feet if such direction is southerly, between southeast and southwest.~~

5.3.20. Section 6.14 - Exceptions to Maximum Height ExceptionsRegulations

In any district, the maximum height limitations shall not apply to the following:

A. Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings;

B. Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building;

~~The height limitations as set forth in Section 6.00 shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes, and if such structures occupy not more than twenty (20) percent of the ground floor of the building. Height limitations of Sections 6.00 and 6.15 shall not apply to a Cable Television head end receiving antenna. Such an antenna may be up to twenty-five (25) feet higher than the uppermost point on an existing structure within one hundred and fifty (150) feet; otherwise the height limit shall be established in accordance with a special permit.~~

5.3.21. Supplemental Requirements in the Business and Industrial Districts

~~Section 6.16 - Screening and Space Buffers - Industrial and Business Districts and Parking Lots~~

A. Screening and Buffers: Industrial and Business Districts and Parking Lots

~~a. Screening and space buffers shall be required in any industrial (I) or business (B) district which abuts certain buildable residential lots. The minimum width of this strip shall be as follows:~~

(1) Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

Industrial or Business Districts	- Abutting - Residential Districts	Minimum Width
I, B5	R0 thru R5	25 ft
B3, B2a, B4	R0 thru R5	15 ft
I	R6 and R7	10 ft
B1, B2	R0 thru R5	10 ft

<u>I or B District</u>	<u>Abutting R District</u>	<u>Minimum Buffer</u>
<u>I, B5</u>	<u>R0 through R5</u>	<u>25 ft</u>
<u>B3, B2A, B4</u>	<u>R0 through R5</u>	<u>15 ft</u>
<u>I</u>	<u>R6 through R7</u>	<u>10 ft</u>
<u>B1, B2</u>	<u>R0 through R5</u>	<u>10 ft</u>

~~The strip shall contain a screen of plantings of vertical habit not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than twenty (20) feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round. At least fifty (50) percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five (5) to six (6) feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 8.12 nor the minimum yard requirements of Section 6.00. No screen shall be closer than ten (10) feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.~~

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain

link or “wrought iron” types may be substituted for the required wall or fence.

(2)b- For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, 8-12 shall apply.

B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.

C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required.

D. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2, the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

5.4.1. Districts and Purposes

Section 3.02 -- Description of Zoning Districts

The Town of Arlington has established eight residential districts to accommodate a variety of single-family, two-family, duplex, three-family, and multi-family apartment dwellings, as well as offices in some cases, in locations that are appropriate for the permitted uses and density of development. The boundaries of the districts are as shown on the Zoning Map.

R0 -- Large Lot Single-Family District

~~The Large Lot Single-Family District is composed of all those areas so designated on the official zoning map. It has the lowest residential density of all districts and is generally served by local streets only. Intensive land uses, uses which would detract from the desired residential character, and uses which would otherwise interfere with the intent of this bylaw are discouraged.~~

A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.

R1 -- Single-Family District

~~The Single-Family District is composed of all those areas so designated on the official zoning map. The predominant use is single-family dwellings and public land and buildings. Intensive land uses, uses which would detract from the desired residential character, and uses which would otherwise interfere with the intent of this bylaw are discouraged.~~

(1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

(2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

R2 -- Two-Family District

(3) R2: The Two-Family District. is composed of all those areas so designated on the official zoning map. The predominant use in R2 is a two-family dwelling or duplex. This and the district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are . This district is generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that Uses which would detract from the single-family and two-family or duplex residential character of these neighborhoods, and uses that would desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw~~bylaw, are discouraged.~~

B. R3 and R4. The R3 and R4 districts are established residential areas in or adjacent to the commercial centers along Broadway and Massachusetts Avenue.

R3--Three-Family District

~~The Three-Family District is composed of all those areas so designated on the official zoning map. The predominant use is a three-family dwelling with locations along Massachusetts Avenue and Broadway. It is the intent that no businesses be located in the R3 district. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.~~

(1) R3: Three-Family District. The predominant use in the R3 district is a three-family dwelling. It is the Town's intent that no businesses will be located in the R3 district. The Town discourages uses that would detract from the small-scale multifamily residential character of these neighborhoods, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

R4--Town House Districts

~~(2) R4: The Town House Districts. The predominant uses District is composed of all those areas so designated on the official zoning map. It is located along arterials or in the R4 districtCenter area. The predominant uses are one- and two-family dwellings in large, older houses.~~

Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.

C. R5, R6, and R7. The R5, R6, and R7 districts are apartment districts in which a variety of uses and different densities of development are allowed. for median-density (R6) and high-density (R7) residential development. Most of these districts are along Massachusetts Avenue and Pleasant Street, primarily within or adjacent to Arlington Center.

~~R5 – Apartment District – Low Density~~

~~The Low-Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is two- to three-story garden apartments located along or near principal arteries. Small-scale offices would be allowed on principal arteries only. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.~~

~~R6 – Apartment District – Medium Density~~

~~(1) R5: Apartment District/Low Density The Medium Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is two- to three-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses apartments up to four stories high with offices permitted at a smaller scale. Locations are principally Massachusetts Avenue and Pleasant Street. Uses which would detract from the desired residential character, consume large amounts of land and office character, or otherwise interfere with the intent of this Bylaw bylaw, are discouraged.~~

~~(2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to four stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.~~

~~R7 – Apartment District – High Density~~

~~(3) R7: Apartment District/High Density The High-Density Apartment District is composed of those areas so designated on the official zoning map. The High-Density Apartment District accommodates predominant use is apartments up to five5 stories high and offices of a similar scale. The Town discourages uses that , although offices are also permitted at the same scale. Locations are principally within or adjacent to Arlington center. Uses which would detract from the desired character of these areas, such as large-scale retail uses, or otherwise interfere with the intent of this Bylaw bylaw, are discouraged.~~

5.4.2. Section 6.00-Table of Dimensional and Density RequirementsRegulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) for exceptions).

[NOTE: Tables of Dimensional and Density Regulations omitted from this redline. See original documents.]

The regulations for each district pertaining to minimum lot size, minimum frontage, maximum floor area ratio, maximum lot coverage, minimum lot area per dwelling unit, minimum front yard depth, minimum side yard depth, minimum rear yard depth, minimum lot width, maximum height, minimum landscaped open space, and minimum usable open space shall be as specified in this section, "Table of Dimensional and Density Regulations," and subject to the further provisions of Article 6.

5.4.2 B. ~~Section 6.06~~ -- Exceptions to Minimum Lot ~~Area~~Size, Frontage, Open Space, ~~Side Yard~~, and Height and ~~Side Yard~~ Requirements in ~~the~~ R0, R1, and R2 Districts.

(1) The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If a building permit for construction was not issued prior to August 28, 1975, the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:

The lot contains at least 5,000 square feet of area and 50 feet of frontage, and

The lot was not held in common ownership with any adjoining land, and

The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and

The minimum open space requirements of this section are satisfied.

a. The minimum lot size, frontage, open space and side yard requirements set forth in the Table of Dimensional and Density Regulations for residential uses in the R0, R1 and R2 Zoning districts may not apply to lots which prior to the passage of the zoning bylaw on May 15, 1924, were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. Such lots which did not contain a principal building or for which a building permit was not issued prior to the first advertisement of this section in August, 1975, may be built upon with a single or two-family residential use as permitted in such zoning district provided (i) the lot contains not less than 5,000 square feet of area and 50 feet of frontage, (ii) was not held in common ownership with any adjoining land, (iii) conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and (iv) the open space requirements and the requirements of Section 9.03, are satisfied.

5.4.2 B

Section 6.06

(2) Exemption for particular streets. The following shall b. ~~The minimum lot size, frontage, and side yard requirements set forth in Section 6.00 for residential uses in the R2 district may not~~ apply to ~~certain~~ lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street ~~if which were~~ shown on separate subdivision plans ~~duly~~ recorded with the Registry of Deeds prior to August 28, 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and Such ~~lots containing~~ a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot~~building lots~~.

5.4.2 B

Footnotes to Table of Dimensional and Density Regulations

(3) RO District Minimum Lot Area Exception^Θ. Any ~~lot~~^{lots} shown on the ~~Zoning Map~~^{zoning map} as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which ~~was~~^{were} ~~duly~~ recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

5.4.2 B

~~Section 6.20a - Minimum Lot Width in R0, R1 and R2 Districts~~

(4) Minimum Lot Width Exceptions. The minimum lot width of 50 feet shall not apply to (i) any lot excepted under Section 5.4.2(B)(3) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.

~~In R0, R1 and R2 districts, each lot shall have a width of not less than fifty feet at all points between the front lot line and the front line of the nearest building wall, except that such minimum lot width shall not apply (1) to any lot excepted under the provisions of Section 6.06, or (2) in connection with the restoration of any principal building on any lot on which either such building exists or for which a building permit has been issued prior to the date of the first advertisement of this section in February, 1988. Such width shall be measured along lines parallel to the front lot line.~~

5.4.2 B

Article 2 - Definitions

~~(5) Calculation of Building Height. On a lot with~~The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. In the R0, R1 and R2 zoning districts where the lot has a slope more than 5%, ~~building in excess of five (5) percent, the~~ height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code. ~~adjoining the building as computed before the building is actually erected. This definition excludes penthouses, bulkheads, and other allowable superstructures above the roof line.~~

5.4.2 B

Section 6.08 -- Large Additions in Residential Districts

(6) Large Additions. No alteration or addition which increases the gross floor area of a building by 750 square feet or more, or by 50% or more of the building's gross floor area on the date of application for a permit or because of cumulative alterations or additions during the previous two years, shall be allowed unless:

The addition is constructed entirely within the existing foundation, or

The Board of Appeals finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.

~~No alteration or addition permitted as a right or by special permit in an R0, R1 or R2 District which increases the size of a building by 750 square feet or more of the gross floor area, or by 50% or more of the original building's gross floor area shall be allowed unless such addition is constructed entirely within the existing foundation, or there is a finding by the Special Permit Granting Authority, acting pursuant to Section 10.11, that the alteration or addition is in harmony with other structures and uses in the vicinity. In making its determination, the Special Permit Granting Authority shall assess, among other relevant facts, the dimensions and setbacks of the proposed alteration or addition in relation to abutting structures and uses and determine its conformity to the purposes set forth in Article 1, Section 1.03, of the Zoning Bylaw. Requests for building permits for additions or alterations which when combined with an alteration or addition constructed within the previous two years would require a special permit finding shall be deemed to require such a finding.~~

5.5 Business~~Section 3.02 - Description of Zoning~~ Districts

5.5.1. Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

~~A. B1: The Neighborhood Office District. In the Neighborhood Office District, the predominant - is composed of all those areas so designated on the official zoning map. Predominant uses~~ include one- and two-family ~~dwellingresidenees~~, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. ~~Primarily located With most locations~~ on or adjacent to Massachusetts Avenue, ~~this~~the district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. ~~Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that Uses which~~would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this ~~Bylaw. bylaw, are discouraged. Mixed-use structures without retail space are allowed in this district.~~

~~B2--Neighborhood Business District~~

~~B. B2: The Neighborhood Business District. The Neighborhood Business District is intended for is composed of all those areas so designated on the official zoning map. Predominant uses- include~~ small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, ~~and mixed-use buildings.~~—Locations are almost all along Massachusetts Avenue or Broadway. ~~The Town discourages uses that Uses which~~would detract from ~~the district's this~~small-scale business character, or otherwise interfere with the intent of this ~~Bylawbylaw are discouraged. Mixed-use structures are allowed in this district.~~

~~B2A--Major Business District~~

~~C. B2A: Major Business District. The B2A district is located The major Business District is- composed of all those areas so designated on the official zoning map. Located along~~ Massachusetts Avenue, Mill Street, Summer Street, and Broadway. ~~These, these~~ areas generally contain ~~uses that are~~ retail and service ~~uses that to~~serve the needs of a large neighborhood area. Customers generally arrive by car, ~~so the Town wants to ensure that -so there is~~ample parking ~~is available~~ to serve the retailer. ~~Mixed-use buildings are allowed in this district, as is medium-density housing Housing is also permitted at a medium density~~ due to the ~~district's proximity proximity of the zone~~ to residential uses. ~~Specifically prohibited uses include (but are not limited to) automotive uses, Mixed-use structures are allowed in this district. Automotive uses, some office uses, and wholesale business and storage uses, -are prohibited.~~

~~B3--Village Business District~~

~~D. B3: The Village Business District. The Village Business District's predominant -is composed of all those areas so designated on the official zoning map. Predominant uses~~ include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights.—Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

~~B4--Vehicular Oriented Business District~~

~~E. B4: The Vehicular Oriented Business District. The Vehicular Oriented Business District provides for establishments that are -is composed of all those areas so designated on the official zoning map. Uses include establishments~~ primarily oriented to automotive traffic, ~~which means~~

~~they which~~ require large amounts of land in proportion to building coverage. ~~This district also consists of ; or~~ establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. -Arlington has an ~~abundance over abundance~~ of automotive and automotive accessory sales and service establishments. ~~As ; thus when one of~~ these businesses ~~gradually close~~loses, the ~~Town has encouraged~~ conversion of the property to other retail, service, office, or residential use ~~is encouraged~~, particularly as part of mixed-use development, ~~which is allowed in this district.~~

~~B5 -- Central Business District~~

~~F. B5: The Central Business District. The Central Business District is a small district is composed of all those areas so designated on the official zoning map~~ in Arlington Center. It includes retail, service, and office uses, and ~~it~~ provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. ~~The Town discourages businesses that~~ ~~Businesses which~~ consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this ~~Bylaw~~ ~~bylaw are discouraged.~~

~~B1 -- Neighborhood Office District~~

5.5.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business districts. Additional regulations affecting all districts can be found in Section 5.3.

A. Tables of Dimensional and Density Regulations

B District Lot Regulations

B District Yard and Open Space Requirements

B District Open Space and Lot Coverage

B District Building Height and Floor Area Ratio Regulations

[NOTE: Tables of Dimensional and Density Regulations omitted from this redline. See original documents.]

5.5.3. Use Regulations for Business Districts

[NOTE: Tables of Use Regulations omitted from this redline. See original documents.]

~~Section 4.04 - Multiple Business Uses~~

~~Other than Mixed-use, in cases of multiple business uses on a single lot, the regulation for each use shall apply to the portion of the building or land so used.~~

5.6.1. Districts and Purposes

Section 3.02 -- Description of Zoning Districts

MU--Multi-Use

A. MU: Multi-Use. The Multi-Use District ~~The Multi-Use District is composed of all those areas so designated on the official zoning map. Districts must contain at least one acre. The district~~ allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review. Designation as a Multi-Use District requires a minimum of one acre of land.

I--Industrial District

B. I: Industrial District. The Industrial District allows ~~The Industrial District is composed of all those areas so designated on the official zoning map. These areas in the Mill Brook Valley allow~~ uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town discourages residential ~~Residential~~ uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw ~~bylaw are discouraged~~. Mixed-use development is allowed ~~in this district~~, without residential space by Special Permit.

T--Transportation District

C. T: Transportation District. In the Transportation District, the principal ~~The Transportation District is composed of all those areas designated on the official zoning map. Principal~~ uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this Bylaw ~~bylaw~~ are prohibited.

PUD--Planned Unit Development District

D. PUD: The Planned Unit Development District. The Planned Unit Development District ~~provides for large~~ is composed of that area so designated on the official zoning map. Large scale, multi-use development ~~is permitted~~ upon approval of a development plan and the assembly of a large amount of land.

E. OS: Open Space District. The Open Space District includes parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the principle open space and recreation functions of the property.

OS--Open Space District

~~The Open Space District is composed of all those areas so designated on the official zoning map. The Open Space District is composed of parcels under the jurisdiction of Park and Recreation Commission, the Conservation Commission, the ARB, the MDC, or the MBTA. Structures where present are clearly accessory to the principle function of the property.~~

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

A. Tables of Dimensional and Density Regulations

Other District Lot Regulations

Other District Yard and Open Space Requirements

Other District Open Space and Lot Coverage

All Other District Maximum Height and Floor Area Ratio

[NOTE: Tables of Dimensional and Density Regulations omitted from this redline. See original documents.]

B. ~~Section 6.30~~ Open Space Regulations for Planned Unit Developments

The minimum open space regulations for planned unit developments are as follows:

- (1) ~~Apartments – 10% Apartments – 10 percent~~ landscaped, ~~10% percent~~ usable.
- (2) ~~Hotel/motels – 10% Hotels and motels – 10 percent~~ landscaped.
- (3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of ~~10% percent~~ shall be required.
- (4) Office and professional buildings ~~– 10% – 10 percent~~ landscaped.

5.6.2 C.~~Section 6.10-~~ Sale or Lease of Lots in a Planned Unit Development

Upon completion of Environmental Design Review under Section 3.4~~an environmental design review, as required in Section 11.06~~, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PUD district.

5.6.3. Use Regulations for MU, PUD, I, T, and OS Districts

[Note: Table of Use regulations omitted from this redline. See original documents.]

~~5.7~~Section 11.04 - Floodplain District

5.7.1. Purposes

a. OBJECTIVES:

The purpose of Section 5.7 is to:

The objectives of this District are to promote:

A. Protect the~~1. The~~ health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.

B. Prevent~~2. To prevent~~ the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.

C. Preserve~~3. The preservation of~~ the natural flood control characteristics and the water storage capacity of the floodplain.

D. Protect~~4. To protect~~ the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.

E. Protect the~~5. The~~ safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, ~~short-circuitingshortcircuiting~~, grounding, igniting, electrocuting or any other dangers due to flooding.

5.7.2. Boundaries

~~11.04 b. DEFINITION.~~

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

~~The Floodplain District is superimposed over any other district established by this Bylaw. The 100-year floodplain is defined as the relatively flat lowland which adjoins a watercourse or other body of water and which is subject to seasonal or periodic flooding by the watercourse or water body at a storm frequency of 100 years. Specifically, the Floodplain District includes those areas along the Mill Brook, Alewife Brook, Mystic River, Spy Pond, Arlington Reservoir, and Mystic Lakes which are in the 100-year floodplain as established on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the 100-year floodplain shown on the Middlesex County FIRMs (panel numbers 25017C0412E, 25017C0416E, 25017C0417E, 25017C0418E, and 25017C0419E), dated June 4, 2010, and further defined by the Middlesex County Flood Insurance Report (FIS), dated June 4, 2010. The FIRMs and FIS Report are incorporated herein by reference and are on file with the Town Clerk, Arlington Redevelopment Board, Director of Inspections, and Conservation Commission.~~

5.7.3. Applicability

~~11.04 c. INTERPRETATION AND APPLICATION.~~

A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section ~~5.8, 11.04, Section 11.05 (Inland Wetland District)~~, G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the ~~Massachusetts~~ State Building Code that addresses floodplain areas, and and coastal high hazard areas (currently 780-CMR 120.G, ‘Flood Resistant Construction and Construction in Coastal Dunes’, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission~~Inspector of Buildings under Section 3.05(g) of the bylaw.~~

B. The phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable”, shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review”.

5.7.4~~Section 6.02~~ - Setback from Open Stream

A building or structure, except for a retaining wall, wharf, fence, or bridge, ~~may~~shall be set back ~~fifteen (15) feet from the embankment of any open stream; however, for construction in accordance with Special Permits issued under Section 11.04 (Flood Plain District) and/or Section 11.05 (Inland Wetland District), the setback may be less than~~ 15 feet by special permit from the Board of Appeals, following consultation ~~fifteen (15) feet. Before voting to grant said Special Permit the permit granting authority shall first consult with the~~ Arlington Conservation Commission.

5.7.5. Use Regulations

~~11.04 d. PERMITTED USES:~~

A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.

~~Mobile homes shall not be permitted at any location in the Floodplain District, and no construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS. Certain uses may be permitted in the Floodplain District as follows:~~

B. Permitted Uses. The following uses are permitted in the Floodplain District:

1. As a Right

~~(1a) The following outdoor uses shall be permitted as of right ~~a right subject to the further provisions of this Section 11.04(d) and~~ provided no buildings or structures are erected: ~~From Section 5.04: Uses 3.01, 3.02, 4.01, 4.08; also, wildlife management areas, foot, bicycle, and/or horse paths.~~~~

Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden

Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question

Park, playground, or other outdoor recreational facility not conducted as a private business
Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business

Wildlife management areas

Foot, bicycle, or horse paths

~~(2b) For single-family detached dwellings, two-family dwellings, or duplex houses existing on the effective date of at the time this Section is advertised (August 28, 1975), the expansion of these (or their accessory) uses to a maximum of 15% fifteen (15) percent of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5Section 6.00, and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7subsection 11.04(d)(1) shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.~~

5.7.5 C. 11.04.d 2. By Special Permit.

The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.

~~No structure or building shall be erected, constructed, substantially improved, enlarged (except as provided in 11.04(d)(1)(b)), or otherwise created or moved, no earth or other material dumped, filled, excavated, or transferred, unless all the following conditions are found to exist as part of the granting of a Special Permit by the ZBA or, in cases subject to Environmental Design Review, the granting of a Special Permit by the ARB:~~

~~(1)2.1~~ The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.~~elevation of the 100-year flood;~~

~~(2)2.2~~ The proposed use shall comply with the regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw (Title V, Article 8).

~~(3)2.3~~ Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones~~zones~~.

The provisions of this subsection ~~11.04(d)(2)~~ shall not apply to the reconstruction or repair of a structure, unless it constitutes substantial improvements existing prior to August 28, 1975~~as defined in 11.04 (d)(1.b), existing at the time of advertisement of this section (August 1975)~~ after a fire or other casualty, ~~as provided in Section 9.06 of this Bylaw.~~ However, major repairs shall use construction materials and utility equipment that are resistant to flood damage; and construction methods and practices that will minimize flood damage.

~~(4)2.4~~ In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5.7.6. Procedures

~~11.04 c. PERMIT AND PROCEDURE.~~

~~A. Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations. Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental Protection, and the Massachusetts Highway Department under Chapter 131 of the General Laws, Acts Relating to the Protection of the Inland Wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for Special Permit with accompanying plans shall also be sent at the same time by the applicant to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.~~

~~B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.~~

~~f. REQUIRED SUBMITTALS~~

~~C. The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.~~

~~1. Submission of a location plan at the scale of 1" = 600' showing the lot(s) to be developed, lot lines within which the development is proposed, and tie-in to the nearest road intersection.~~

~~D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.~~

~~2. A site plan at a scale of 1" = 50' shall be prepared by a registered land surveyor or registered professional engineer. The site plan shall be submitted to the ZBA and shall show at least the following:~~

~~(a) The location, boundaries, and dimension of each lot in question.~~

~~(b) Two-foot contours of the existing and proposed land surface.~~

~~(c) The location of existing and proposed structures, watercourses, and drainage easements, means of access, and drainage.~~

~~g. BOARD OF APPEALS PROCEDURE.~~

~~1. The ZBA shall not take final action on an application for a special permit hereunder until it has received a report thereon from the Inspector of Buildings, the Board of Health, the Conservation Commission, Town Engineer, and the ARB or until 30 days have elapsed after receipt of such application and plans without submission of a report.~~

~~2. The ZBA may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.~~

~~h. OCCUPANCY PERMIT.~~

~~E.~~ No occupancy permit shall be issued for special permit uses under ~~this Section~~~~subsection 11.04(d)(2)~~ until the ~~Building Inspector~~ Inspector of Buildings, and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board ~~ZBA and the ARB~~ have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.

5.7.7. Areas, Open Space, and Yard Regulations

~~11.04 i. AREAS, OPEN SPACE, AND YARD REGULATIONS.~~

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the ~~district~~District in which the remainder of the lot is situated.

5.7.8. Exemptions

~~11.04 j. EXEMPTIONS IN THE FLOODPLAIN DISTRICT.~~

A. Where a proposed use is determined to fall within the limits of the Floodplain District ~~and,~~
~~but~~ the applicant ~~for the proposed use~~ determines that the location ~~for his proposed use~~ is not
included in the definition of the Floodplain District, said use may be exempt by the Board of
Appeals or Arlington Redevelopment Board~~ZBA or the ARB~~, as ~~applicable the case may be,~~
from the provisions of this section if the applicant provides sufficient evidence for the applicable
Board to ZBA or the ARB in cases subject to Environmental Design Review to clearly determine
that the land in question should not be subject to the provisions of this Section.

B. If it is determined that an area of significant size should no longer be included within the
Floodplain District due to a natural or man-made event which has altered the boundary, the
floodline determining the boundaries of the Floodplain District may be changed with approval
from Town Meetings~~subject to the provisions of Section 12.01 of this Bylaw~~ provided the new
floodline to be adopted has been established in accordance with accepted engineering practice
and certified by a registered professional engineer.

5.7.9. Notification of Alteration

~~11.04 k. NOTIFICATION OF ALTERATION.~~

In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:

- Chief Executive Officers in Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

5.8 Section 11.05 -- Inland Wetland District

5.8.1. Purpose

a. PURPOSE:

The purpose of Section 5.8 is ~~to this district~~ is:

A. Preserve~~1. To preserve~~ and protect the streams, water bodies, and other watercourses, including wetlands ~~and marshlands~~, in the Town of Arlington.

B. Protect~~2. To protect~~ the health and safety of persons and property against the hazards of flooding and contamination.

C. Preserve~~3. To preserve~~ and maintain the groundwater table for potential water supply purposes.

D. Protect~~4. To protect~~ the community against the detrimental use and development of lands adjoining such watercourses.

E. Conserve ~~5. To conserve~~ the watershed areas ~~in of the Town of~~ Arlington for the health, safety, and welfare of the public.

5.8.2. Definitions

~~11.05 b. DEFINITION.~~

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

~~A1.~~ All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds and swamps, ~~swamps, and marshes~~.

~~B2.~~ All land area along all rivers, brooks, and streams for a horizontal distance of 25 feet from the center line thereof are included in the Inland Wetland District.

~~C3.~~ All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

5.8.3. Applicability

~~11.05 c. INTERPRETATION AND APPLICATION.~~

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section 3.05 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

5.8.4. Permitted Uses

~~11.05 d. PERMITTED USE.~~

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

A1. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 9.06 of this Bylaw.

B2. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw ~~became~~becomes effective.

C3. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued.

5.8.5. Procedures

~~11.05 e. PERMIT AND PROCEDURE.~~

Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental ~~Protection~~Quality Engineering, and the Massachusetts Department of Public Works under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.

~~11.05 f. REQUIRED SUBMITTALS~~

~~1. Submission of a location plan at a scale of 1" = 600' showing the lot(s) to be developed, lot(s) lines within which the development is proposed, and tie-in to the nearest road intersection.~~

~~2. A site plan at a scale of 1" = 50' shall be prepared by a registered land surveyor or registered professional engineer. The site plan shall be submitted to the ZBA and shall show at least the following:~~

~~(a) The location, boundaries, and dimension of each lot in question.~~

~~(b) Two-foot contours of the existing and proposed land surface.~~

~~(c) The locations of existing and proposed structures, watercourses, and drainage easements, means of access, drainage, and sewage disposal facilities.~~

~~(d) The elevation of the basement and first floor.~~

~~(e) The area and location of leaching fields.~~

5.8.6. Development Conditions

11.05 g. DEVELOPMENT CONDITIONS:

A. For the development of land within the Inland Wetland District, ~~the following conditions shall apply:~~ 1. ~~If the lot(s) is to be served by a public sewerage system,~~ the following conditions shall apply:

(1a) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.

(2b) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.

(3e) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage.- Furnace and utilities are to be protected from the effects of leaching.

(4d) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.

~~2. If the lot(s) is to be served by an on-lot septic system, the following conditions including those listed previously shall apply:~~

~~(a) The leaching area designed for use, as well as a reserved area for future expansion or total future use, shall be plotted with dimensions on the site plan.~~

~~(b) A minimum of two percolation tests per leaching area shall be performed. The maximum groundwater table shall be determined during the last two weeks of March or the first three weeks of April. At least two observation pits at least six (6) feet in depth shall be dug to determine soil profiles. The observation pits may be dug during other times of the year, and shall be accompanied by a detailed report compiled by a soil scientist or qualified engineer.~~

~~(c) The leaching areas shall not be constructed in areas where the maximum groundwater elevation is less than 4 feet below the bottom of the leaching areas.~~

B3. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, ~~short-circuitingshortcircuiting~~, grounding, igniting or electrocuting; ~~shall not~~ obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase ~~storm waterstormwater~~ run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

~~11.05 h. BOARD OF APPEALS PROCEDURE.~~

~~1. The ZBA shall not take final action on an application for a special permit hereunder until it has received a report thereon from the Inspector of Buildings, the Board of Health, the Conservation Commission, Town Engineer, and the ARB, or until 30 days have elapsed after receipt of such plan without the submission of a report.~~

~~2. The ZBA may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.~~

~~i. OCCUPANCY PERMIT. No occupancy permit shall be issued until the Inspector of Buildings and the Board of Health, Conservation Commission, Town Engineer, and the ARB have received a certified plan showing the foundation and flood elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and until all requirements of all permits are satisfied.~~

~~j. AREAS AND YARD REGULATIONS. The portion of any lot within the Inland Wetland District may be used to meet the lot area, open space and yard requirements for the District in which the remainder of the lot is situated.~~

~~k. EXEMPTIONS IN THE INLAND WETLAND DISTRICT. Where a proposed use is determined to fall within the limits of the Inland Wetland District, but the applicant for the proposed use determines that the location for his proposed use is not wet or subject to periodic flooding and should not, therefore, be included in the definition of the Inland Wetland District, said use may be exempt by the ZBA from the provisions of this section if the applicant provides sufficient evidence for the ZBA to clearly determine that the land in question should not be subject to the provisions of this Section.~~

5.9.1. Section 5.05 - Home Occupation

A. In any Residential District, For the use of a dwelling in any "R" district for a home occupation is permitted if all, the following conditions are shall apply:
met:

(1)a. No nonresident shall be employed therein.

(2)b. Not more than 25% twenty-five (25) percent of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600six hundred (600) square feet, is devoted to the home occupation, and such use. In connection with such use, there is to be kept no stock in trade, commodities, or products shallwhich occupy space beyond these limits.

(3) Theree. That there shall be no display of goods or wares visible from the street.

(4)d. All advertising devices visible from off the lot are specifically prohibited.

(5)e. The buildings or premises occupied shall not have a detrimental impact on be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall notin no way become objectionable or detrimental to any residential use within the structure.

(6)f. Any such building shall include no feature of design not customary in buildings for residential use.

B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.

~~Section 5.06 -- Joint Occupancy of Schools~~

~~Portions of Arlington public schools may be occupied by a use(s) unrelated to public educational purposes provided the use(s) is in accordance with guidelines passed by the Arlington School Committee and a special permit granted by the ARB pursuant to Section 11.06, Environmental Design Review.~~

~~Section 11.07 -- Filling of Any Water or Wet Area~~

~~For the filling in of any pond, lake, swamp, or other existing body of water or wet area, and the filling in of any swale, valley, or other area or depression, where such filling in requires an amount of fill equivalent to five hundred (500) cubic yards or more, or where the area to be filled in exceeds ten thousand (10,000) square feet and where such filling has received prior approval of the appropriate state officials under the applicable provisions of Chapter 131 of the General Laws, the following conditions apply:~~

- ~~a. A location plan at a scale of one (1) inch equals six hundred (600) feet showing the area to be filled in, property lines within which the filling is proposed and tie-in to the nearest road intersection shall be submitted.~~
- ~~b. A site plan shall be submitted to a scale of one (1) inch equals forty (40) feet of the premises and surrounding area within one hundred (100) feet showing, in addition to a. above, existing and proposed contour lines at intervals of not more than two (2) feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer or registered land surveyor.~~
- ~~c. Provision shall be made for temporary and permanent drainage of the site.~~
- ~~d. Fills shall be limited to terrace fills which are not to exceed ten (10) feet at any one (1) time nor be within ten (10) feet of an adjacent property line or any cut.~~
- ~~e. Regrading of all parts of the slopes resulting from such fill shall be carried out.~~
- ~~f. At least four (4) inches of topsoil shall be replaced over all filled or otherwise disturbed surfaces with seeding with a perennial cover crop, reseeding as necessary to assure uniform growth and soil surface stabilization.~~
- ~~g. A plan for lighting if night operation is contemplated shall be submitted.~~
- ~~h. Where any fill will have a depth of ten (10) feet or more and create a slope of more than one in two, there shall be a substantial fence enclosing the fill at least six (6) feet in height with suitable gates. Such fence shall be located ten (10) feet or more from the edge of the fill.~~
- ~~i. The planned filling in shall be consistent with any recreation, conservation and open space plan as prepared by the ARB or the Department of Planning and Community Development.~~

~~j. Documentation shall be submitted as to the effect of such filling in on drainage both within the immediate area and sufficiently far downstream as required by the Building Inspector and in accordance with Section 11.04.~~

6.1 Parking - 6.1.1. Purposes

Section 8.01 - Off-Street parking Requirements

The purposes of this Section 6.1 are to:

A. Provide for safe and convenient vehicular parking areas and delivery areas;

B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;

C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.

6.1.2. Applicability

No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.

6.1.3. Administration

A. This Section 6.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section 6.1, it shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

B. It is the intent of this section to encourage and promote off-street motor vehicle parking in the Residence Districts and to allow the use of a front yard for such off-street motor vehicle parking only under exceptional circumstances. It is further the intent to preserve, insofar as possible, the landscaped front yard on each lot. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in its entirety in accordance with the Table of Use Regulations (see Article 5), the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1. herein.

6.1.4. Table of Off-Street Parking Regulations

The minimum number of off-street parking and loading spaces shall be as set forth in the following table. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

[Note: Table of Parking Regulations omitted from this redline. See original documents.]

6.1.5. Section 8.01(a)—Parking Reduction in Business, Industrial, and Multi-Family Residential Zones.:

The Board of Appeals or Arlington Redevelopment Board, as applicable, may ZBA, or in cases subject to Section 11.06, the ARB may grant a special permit to allow the reduction of the parking space requirements in the R5, R6, R7, and Business and Industrial Zones to 25 percent % of that required in the Table of Off Street Parking Regulations if the proposed where parking is deemed adequate found to be adequate, and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the special permit granting authority Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

A1. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.

B2. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements , where alternative parking is within 600 feet of the subject property, as provided in Section 6.1.10. The applicant 8.06. Off-site parking may be provided in public lots located within 1,000 feet of the building, as provided in Section 8.11. Applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.

C3. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM Transportation Demand Management provides incentives to reduce the use of Single Occupant Vehicles, and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three (3) TDM methods described below:

- (1)a. Charge for parking on-site;
- (2)b. Pay a stipend to workers or residents without cars;
- (3)e. Provide preferential parking for carpooling vehicles;
- (4)d. Provide a guaranteed emergency ride home;
- (5)e. Provide transit pass subsidies;
- (6)f. Provide covered bicycle parking and storage;
- (7)g. Provide bicycle or car sharing on site;
- (8)h. Provide showers, for business or industrial uses;
- (9)i. Other means acceptable to the applicable special permit granting authority

6.1.6. Table of Section 8.02--Off-Street Loading and Unloading ~~Regulations~~Requirements

~~The For every building hereafter erected for retail; personal, consumer, & business services; eating & drinking; light industry; utility, transportation, & communications; commercial, & storage; wholesale business and storage; institutional, & educational; public, recreational, & entertainment; or office uses as specified in the Table of Use Regulations and for every such use hereinafter established in an existing building or area, the~~ off-street loading and unloading requirements ~~presented~~ in the Table of Off-Street Loading Regulations shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable,. ~~In the case of uses which require a Special Permit, the Special Permit Granting Authority~~ may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

[Note: Table of Off-Street Loading and Unloading Regulations omitted from this redline. See original documents.]

6.1.7. Existing Spaces

~~Section 8.03 - Existing Spaces~~

Parking or loading spaces being maintained in any ~~District for district in connection with~~ any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as ~~thesaid~~ use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership. ~~However, -~~ ~~provided:~~ this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables in this Section 6.1.

6.1.8.~~Section 8.04~~ - Computation of Spaces

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one ~~(1)~~ space.

6.1.9 ~~Section 8.05~~ - Combined Facilities

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Board of Appeals or Arlington Redevelopment Board, as applicable, as part of the special permit process and recorded with the Middlesex South Registry of Deeds~~by special permit from the ZBA, or in cases subject to Section 11.06, the ARB~~ where it is evident that such facilities will continue to be available for the several buildings or uses.

6.1.10, ~~Section 8.06~~ - Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties ~~as determined by the ZBA, or in cases subject to Section 11.06, the ARB~~ prevent their establishment ~~on~~upon the same lot, they shall be established no further than ~~600 six hundred (600)~~ feet from the premises ~~they serve, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable to which they are appurtenant~~. Such spaces may be located ~~outside out-of-doors~~ or within a structure designed as a public or private garage. Projects subject to Section 3.4, Environmental Design Review ~~under Section 11.06~~, may provide parking off-site within ~~600 feet six hundred (600) feet~~, where it can be shown that a long-term, legally enforceable -agreement has been made to secure off-site parking.

6.1.10 A. ~~Section 8.07~~—Parking in Residential Districts.

For single-family. ~~For single~~, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front ~~yard~~ setback except on a driveway not exceeding ~~20~~twenty (20) feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than ~~6,000~~six thousand (6,000) square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

~~b.~~ For single-family, two-family or duplex, and three-~~family~~ dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway ~~shall be permitted~~is permitted, unless there is a finding by the Board of Appeals (or Arlington Redevelopment Board, if it is the special permit granting authority for the development) that a second driveway or a driveway that makes more than one intersection with the street, may be added in a manner that avoids such manner as to avoid an undue concentration of population, ~~allows~~How adequate provision of transportation, and ~~conserve~~conserve the value of land and buildings in the vicinity. In no case may a second driveway for a single-family, two-family or duplex, or three-~~family~~ dwelling violate any other dimensional or density regulations for the district in which it is located. For single-family, two-family or duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

~~e.~~ For single-, two-family or duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

~~6.1.10 B~~Section 8.07(a)– Parking in Commercial Districts.

For properties located in the Business Districts, B1, B2, B2A, B3, B4, and B5 districts, no parking shall be permitted in the front yard; nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or Arlington Redevelopment Board, as applicable~~ZBA or, in cases subject to Section 11.06, the ARB~~, that the parking or driveway is necessary and convenient to the public interest.

~~C~~Section 8.07(b) For Mixed-Use development, the first 3,000 square feet of non-residential space is exempt from the parking requirements of this Section 6.1~~parking requirements~~.

~~D~~Section 8.11–Public Parking Lots.

The Board of Appeals or Arlington Redevelopment Board, as applicable, ~~ZBA, or in cases subject to Section 11.06, the ARB by special permit~~ may allow the substitution of space within public parking lots~~Public Parking Lots~~ in lieu of parking requirements of this Section 6.1 ~~article~~, provided they are located within 1,000 ~~one thousand (1000)~~ feet of the building ~~which is intended~~ to be served.

~~E~~Section 8.09–Location of Loading Spaces.

The loading spaces required for the uses listed in the Table of Off-Street Loading and Unloading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

6.1.11. ~~Section 8.12~~ - Parking and Loading Space Standards

A. ~~A~~ -parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. ~~Spaces~~~~Those~~ entered from the front or rear, and stacked spaces, shall have minimum dimensions of ~~8.5 feet by 18~~~~eight and one-half by eighteen~~ feet. Compact car parking spaces permitted in accordance with ~~Paragraph C~~~~Section 8.12~~ (11) ~~below~~ shall be at least ~~8 feet by 16~~~~eight by sixteen~~ feet. For parallel parking, a space shall have minimum dimensions of ~~8~~~~eight~~ feet by ~~22~~~~twenty-two~~ feet, except that such spaces which are open and unobstructed at one end may be only ~~18~~~~eighteen~~ feet in length. In ~~conforming one and two-family~~ residential side yards, ~~or nonconforming pre-existing one and two-family residential side yards,~~ the width of a parking space may be the width of the side yard, but in no case less than ~~7.5 feet, seven and one-half feet."~~

B. Parking areas with five spaces or less shall be surfaced with a permanent pervious or impervious material or binder.

C~~a~~. All parking and loading areas containing over five ~~(5)~~ spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:

6.1.11(C) ((1) The ~~parking and loading areas and area and~~ access driveways ~~thereto~~ shall be surfaced with ~~pervious or impervious bituminous or cement concrete~~ material and shall be graded and drained ~~so as~~ to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. ~~The use of porous asphalt, pervious concrete, paving stones, or grass pavers may also be used to meet this requirement, in whole or part, subject to the approval of the Town Engineer.~~ The location of spaces shall be suitably marked by painted lines or other appropriate markings.

(2) A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways ~~in order~~ to protect abutting structures, properties and sidewalks and screening materials.

(3) Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of ~~24twenty-four (24)~~ feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Angle of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

(4) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

(5) ~~No There shall not be any~~ business operation for vehicle repair, ~~or~~ gasoline or oil service facilities, ~~or any repair made to any motor vehicles shall be conducted,~~ except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least ~~25twenty-five (25)~~ feet from any lot line.

(6) ~~Except for duly authorized yard sales, the There shall not be any~~ storage of materials or equipment or ~~, with the exception of duly authorized yard sales,~~ display of merchandise within the required parking area is prohibited.

(7) Any portion of any entrance or exit driveway shall not be closer than ~~50fifty (50)~~ feet to the curb line of an intersecting street.

(8) Any two ~~(2)~~ driveways leading to or from a street, or to or from a single lot, shall not be within ~~30thirty (30)~~ feet of each other at their intersections with the front lot line for an interior lot and ~~40forty (40)~~ feet from the intersection of the lot line with the street right-of-way for a corner lot.

(9) Any entrance or exit driveway shall not exceed ~~24twenty-four (24)~~ feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to ~~40forty (40)~~ feet.

(10) In R0, R1, R2, R3, and R4 zones, ~~the Board of Appeals or Arlington Redevelopment Board, as applicable, the ZBA, or in cases subject to Section 11.06, the ARB~~ may grant a special permit to allow the reduction of the parking space requirements to ~~80% eighty (80) percent~~ of that required in the Table of Off-Street Parking Regulations where conditions unique to the use ~~will~~ reasonably justify such a reduction.

(11) The ~~Board of Appeals or Arlington Redevelopment Board, as applicableZBA, or in cases subject to Section 11.06, the ARB~~, may grant a special permit allowing up to ~~20% percent~~ of the spaces in a parking lot or garage to be sized for compact cars.

~~6.1.11 D8-12-b~~. All parking and loading areas containing over five ~~(5)~~ spaces which are not inside a structure shall also be subject to the following.

(1) The surfaced area shall be set back at least ~~10ten (10)~~ feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five ~~(5)~~ feet if the setback includes a solid wall or solid wooden fence, five ~~(5)~~ to six ~~(6)~~ feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required in the Density and Dimensional Regulations of the district by Section 6.16(a). Where deemed appropriate by property owner, acceptable to ~~and~~ immediate abutters, and ~~as~~ approved by the Building Inspector~~building inspector~~, another wall or fence height or fence type, ~~including but not limited to coated chain link or "wrought iron" types~~ may be substituted for the required wall or fence.

(2) The area shall be effectively screened with suitable planting or fencing on each side ~~that which~~ faces abutting lots used for residential purposes. ~~The~~Such screening shall be within the lot boundaries; and at least five ~~(5)~~ feet and not more than six feet high~~(6) feet in height~~. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from ~~thesaid~~ building by a buffer strip of green open space not less than five feet wide ~~(5) feet in width~~ and suitably planted. ~~The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three (3) feet high, placed parallel to the street except within ten (10) feet of driveways.~~

(3) The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.

~~(3) Parking shall not be located within the required front yard area in any district.~~

(4) Parking shall not be located within the required front yard area in any district.

~~(4) Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.~~

(5) Parking and loading spaces other than those required for single-family and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street.

~~(65)~~ Parking areas providing more than ~~25twenty-five (25)~~ spaces shall include landscaped areas in area which is at least 8% eight (8) percent of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide~~(4) feet in width~~.

~~6.1.11 E8-12-e~~. The landscaping standards of Section ~~6.1.118-12~~ may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:

(1) Reasonable alternative measures have been taken to meet the intent of these standards: ~~-~~
~~which is~~ to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage; and

(2) All landscaped space required by ~~this section~~section 8-12 is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

~~The special permit for this subsection shall be heard and decided by the ZBA, except for petitions before the ARB in accordance with Section 11.06, in which case the modification of parking standards shall be heard and decided by the ARB.~~

6.1.12, Section 8.13 – Bicycle Parking

~~A. The intent of this section is to provide standards for orderly and safe bicycle parking. Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. (Section 11.06). The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the town special permit granting authority; if fewer than 8 motor vehicle parking spaces are provided by special permit, bicycle parking will not be required.~~

~~Ba. When bicycle parking is required, there will be one bicycle parking space per 15 fifteen motor vehicle spaces under Section 6.14, as required in Section 8.01– Off-Street Parking Requirements. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.~~

~~Cb. When bicycle parking is required, there will be a minimum of two2 spaces provided, and; not more than 20 bicycle spaces will be required at a single site.~~

~~De. A bicycle rack, or bicycle storage fixture or structure shall accommodate a bicycle six6 feet in length and two feet wide2 feet in width. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.~~

~~Ed. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.~~

~~Ee. The following uses ("use" numbers in parentheses refer to Section 5.04 – Table of Use Regulations) are exempt from bicycle parking requirements: places of worship, cemetery (2.05), cemetery (2.09), funeral home (6.10), automotive repair shop, car wash, or gas station (6.03, 7.06, 7.07), car wash (6.04), gas station (6.05).~~

~~The requirements of this section may be modified by special permit where there is a finding by the special permit granting authority that, for the use and location, a modification is appropriate and in the best interest of the Town.~~

~~Section 8.08 – Parking of Commercial Vehicles~~

~~The parking of commercial vehicles shall be in accordance with the Table of Use Regulations in Article 5.~~

6.2.1. Section 7.01 – Intent and Purpose

The purpose of this Section 6.2 is to:

~~It is recognized that signs perform important functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:~~

Aa. Prevent hazards to vehicular and pedestrian traffic;:-

Bb. Prevent conditions which have a blighting influence and contribute to declining property values;:-

Cc. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;:-

Dd. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment; and:-

E. Maintain public safety, consistent with constitutional requirements protecting freedom of speech.

~~It is the intent of this article to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community and to encourage the most appropriate use of land.~~

~~6.2.2. Section 7.02 -~~ Applicability

All ~~outdoor signs and window signs are subject to the regulations of this Section 6.2 unless specifically excluded herein~~ signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts and other applicable town bylaws. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with ~~this Section. the following regulations:~~

6.2.3. Administration

The Building Inspector shall have authority to issue sign permits under this Section 6.2. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review”.

6.2.4~~Section 7.03~~ General Regulations

The provisions of Sections 6.2.4~~Section 7.03~~ shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 6.2.97.071 to 7.076.

Aa. Any traffic, directional, informational, educational, or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of this Bylaw~~these Bylaws~~, promotional, informational, and/or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on these signs~~such a sign~~ shall not exceed 3% of the sign area.

B. b. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not because by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking.

C. e. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector~~Inspector of Buildings~~ with the advice and consent of the Police Chief, the Director of Police Services~~, such~~ light would create a driving hazard.

D. d. No sign shall be illuminated between 12:00 AM~~midnight~~ and 6:00 AM~~00 a.m.~~, except signs identifying police or fire stations or hospitals, and except signs on premises open for business during that time, and then only while open for business.

Ee. All illumination shall be either interior and non-exposed by a window~~nonexposed~~ or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including, but not limited to, incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.

F. g. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.

Gh. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, or and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product and. Such signs shall not exceed one ~~(1)~~ square foot in area.

Hi. One informational sign up to four~~4~~ square feet in area, indicating the existence of, and meeting time and place among other things of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content, and location shall be determined in~~subjects of~~ the special permit. Signs of several~~Several such signs of~~ service organizations may be consolidated into one sign, in which case the maximum sign area shall be

limited to four square feet times the number of organizations listed on the sign.

Ij. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events conducted on the premises~~at the church, synagogue or similar religious institution.~~

Jk. One sign, up to one ~~(1)~~ square foot in area, is allowed per residence indicating the name and address of the occupants ~~therein.~~

K. In any district, one sign is allowed for each of the following, provided it shall not exceed six square feet in area and shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line:

l. One sign is allowed for each of the following in any zone:

- (1) Membership club
- (2) Community facility
- (3) Funeral establishment
- (4) Public utility
- (5) Place of public assembly
- (6) Premises for sale or lease

~~Provided such signs above shall not exceed six (6) square feet in area and it shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line.~~

L. A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.

M. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall ~~a deposit left be deposited~~ with the ~~Building Inspector~~Inspector of Buildings~~the sum of \$20 in cash~~ for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.

N. A sign area larger than that specifically allowed in ~~this Section 6.2.17.05 through 7.076~~ is allowed by special permit ~~under Section 6.2.11. only upon completion of the procedures listed in 7.09.~~

O. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.

P. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.

Q. Notices in compliance with Title V, Article 1 of the Town Bylaws are allowed in any ~~District~~district.

~~6.2.5. Section 7.04 -~~ Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained.

~~Aa.~~ Signs which incorporate in any manner flashing, moving, or intermittent lighting, excluding public service signs showing time and temperature.

~~Bb.~~ Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.

~~Cc.~~ String lights used in connection with commercial premises with ~~except for the exception of~~ temporary lighting for holiday decoration.

~~Dd.~~ Any sign which advertises a business no longer in existence, or a product or service no longer sold.

~~Ee.~~ Portable signs.

~~Ff.~~ Window signs which cover more than 25% ~~percent~~ of the area of the window.

~~Gg.~~ Signs for home occupations. _

~~Hh.~~ Signs, except awning signs, painted or posted directly on the exterior surface of any wall.

~~Ii.~~ Signs ~~that erected so as to~~ obstruct any door, window or fire escape on a building.

~~Jj.~~ Signs constructed, erected, or maintained ~~on upon~~ the roof of any building.

~~Kk.~~ Signs which project over a public right-of-way, ~~except for -with the exception of-~~ wall signs which may project no more than 12 inches from a building face, and with the further exception of bracket signs in the B3 and B5 zoning districts.

~~L. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale.~~

~~L. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale.~~ In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10% ~~percent~~ of the sign area, unless ~~the said~~ registered trademark or commodity is the principal activity conducted therein. _

~~Specific regulations controlling nonaccessory signs are set forth in Section 7.11.~~

6.2.6. Signs Permitted in Any~~Section 7.05 -- Signs permitted in any~~ R District

One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section ~~6.2.97.071~~ not to exceed four ~~(4)~~ square feet in area and if a ground sign, set back not less than one half the depth of the front yard.

6.2.7. Section 7.05a - Signs for Bed and Breakfast Signs

A bed and breakfast or a bed and breakfast home in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.

6.2.8. Signs Permitted in Any~~Section 7.06 -- Signs permitted in any~~ B, I, or PUD District

A~~a~~. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section ~~6.2.97.071 and 7.072~~, there shall not exceed a total of two permanent signs for any one business or industrial establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.

B~~b~~. One directory of the occupants or tenants of the building affixed at each entrance not exceeding an area determined ~~as one on the basis of one (1)~~ square foot for each occupant or tenant.

C~~c~~. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four ~~(4)~~ feet overall in height.

D~~d~~. One awning sign for each display window of a store.

6.2.9. Special Controls by Zoning District

7.071 – Signs Permitted in B1, R6, R7 Districts

A. Signs Permitted in B1, R6 and, R7 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight ~~(8)~~ square per feet in area, per building except that in R6 and R7 districts, buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10% ~~ten percent~~ of the sign area, unless said trademark or commodity is the principal activity conducted therein._

B. Signs Permitted in B1 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building.

6.2.9 C.7.072 - Signs Permitted in Any B2 or T Districts.~~District~~

One permanent wall sign not to exceed two ~~(2)~~ feet in height or a ground sign not to exceed ~~20~~twenty (20) square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than ~~10~~ten (10) percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.

~~6.2.9 D.7.073-~~ Signs Permitted in Any B3, B5 I, or PUD ~~Districts.~~~~Distriet~~

One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

~~6.2.9 E.7.073a~~— Signs Permitted in Any B3 and B5 ~~Districts.~~~~District~~

One sign permitted ~~in Sections 6.2.8 Subsection D above by Sections 7.06 and 7.073~~ may be a bracket sign meeting the following dimensional requirements-: a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 ~~squaresq~~ feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. ~~The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular~~vehicular way, shall not extend above the building, and shall not extend beyond the curb line.

~~6.2.9 F.7.074~~ Signs Permitted in Any B2A or B4 ~~Districts~~ District

~~(1)a.~~ One permanent wall sign for each street or parking lot frontage of each establishment not to exceed ~~40forty (40)~~ square feet and to conform to the "wall sign" provisions of this Section ~~6.2Article 7~~.

~~(2) b.~~ One standing sign which does not exceed ~~24twenty-four (24)~~ square feet in lieu of the wall signs permitted in Subsection (F)(1) above.7.074a. If a standing sign is provided, there may be one permanent wall sign which does not exceed ~~20%twenty (20) percent~~ of the area of the standing sign.

~~(3)c.~~ On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.

~~(4) d.~~ Where a single lot is occupied by more than one ~~(1)~~ establishment, whether in the same structure or not, there shall not be more than one ~~(1)~~ free-standing sign for each lot street frontage.

~~(5) e.~~ At gasoline service stations, one ~~(1)~~ standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.

~~(6) f.~~ If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than ~~10% ten (10) percent~~ of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

6.2.9 G.7.075- Signs Permitted in MU Districts

~~a. One~~ (1) One free-standing sign provided such sign is not more than four ~~(4)~~ feet by six ~~(6)~~ feet or ~~24 twenty-four (24)~~ square feet in area and the top of the sign is not over ~~12 twelve (12)~~ feet above the ground.

~~(2) One b. One~~ ~~(1)~~ wall or standing sign for identification of each building provided the surface area of such sign of one ~~(1)~~ side shall not be more than ~~10 ten (10)~~ square feet nor, if a standing sign, more than six ~~(6)~~ feet above ground.

~~(3) c.~~ Directional signs that point out parking lots and specific services provided they are not larger than one ~~(1)~~ foot by three ~~(3)~~ feet and provided the top of the sign is not more than four ~~(4)~~ feet above the ground.

6.2.9 H.7.076- Signs Permitted in OS Districts

~~(1)a.~~ One unlighted permanent freestanding sign for any permitted use, not to exceed four~~(4)~~ square feet in area and set back not more than ~~15fifteen(15)~~ feet from the front property line.

~~(2)b.~~ On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed ~~24twenty-four~~ square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3% of the area of the kiosk.

6.2.10. Section 7.08--Sign Permits and Maintenance_

A. Applications for a sign permit ~~a. All persons desiring to erect, install, place, construct, alter, move, or maintain a sign shall be submitted apply to the Building Inspector on forms provided by the Inspector of Buildings for a permit. A copy of the Application shall be submitted to the Department of Inspectional Services~~ Planning and Community Development.

B. Upon receipt of a complete application for a sign permit, the Building Inspector shall transmit a copy to the Director of Planning and Community Development for review and comment. The Director shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Building Inspector within 14 days of receipt of the application. Failure to submit a report within the 14-day period shall constitute no objection to the permit by the Department.

~~b. All applications for sign permits shall include at a minimum a drawing to scale indicating the following:~~

- ~~1. the proposed sign;~~
- ~~2. all existing signs maintained on the premises;~~
- ~~3. the lot plan and building facade indicating location of the proposed sign;~~
- ~~4. specifications for its construction, lighting and wiring.~~

C. A sign permit shall be issued only if the sign complies or will comply with all applicable provisions of this Bylaw.

~~All drawings shall be of sufficient clarity to show the extent of the work.~~

~~Upon receipt of a complete application for a sign permit, the Inspector of Buildings shall transmit a complete copy of the application to the Director of Planning and Community Development for his review and comment or that of his designee. The Director or his designee shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Inspector of Buildings within fourteen (14) days of receipt of the application. Failure to submit a report within the time period shall constitute approval of the permit by the Department.~~

~~c. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this bylaw.~~

D. The Building Inspector ~~d. The Inspector of Buildings~~ is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Building Inspector is dangerous ~~Inspector of Buildings is dangerous~~, or in disrepair, or which is erected or maintained contrary to this Bylaw ~~bylaw~~.

6.2.19. Special Permits
~~Section 7.09 – Special Permits~~

A. Under certain circumstances~~In particular instances,~~ the Board of Appeals or Arlington Redevelopment Board, as applicable, may issue a special permit to allow ZBA,~~or in cases subject to Section 11.06, the ARB may permit~~ more than the number of signs permitted under this Section 6.2, hereinabove permitted or signs of a greater size or in a location other than that specified in this Section 6.2 if hereinabove specified,~~if it is determined that~~ the architecture of the building, the location of the building relative with reference~~to the street,~~ or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting a sign special permits~~such permission,~~ the Board of Appeals or Arlington Redevelopment Board, as applicable,~~ZBA or ARB as appropriate~~ shall specify the size and location of the sign or signs and impose ~~such~~ other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four ~~(4)~~ feet times the linear face of the building front.

B. Submission requirements and procedures for a sign special permit shall be in accordance with Section 3.4 of this Bylaw and the rules and regulations of Board of Appeals or Arlington Redevelopment Board, as applicable.

~~Any applicant under this provision shall provide information required in Section 7.08 above, in addition to specific information in the form of perspectives, renderings, photographs, models or other representations sufficient to show the nature of the proposed sign and its effect on the immediate surroundings. Prior to the granting of a special permit under this provision, the ZBA shall receive comments on the sign from the Arlington Redevelopment Board and/or the Department of Planning and Community Development, and if subject to ARB approval, the ARB shall not act until it receives comment from the Department of Planning and Community Development.~~

6.2.12. Nonconforming Accessory Signs

Section 7.10 - Nonconformance of Accessory Signs

Accessory signs or other advertising devices legally erected before the adoption of this Bylaw may continue to be maintained, provided, however, that:

~~Accessory signs or other advertising devices legally erected before the adoption of this bylaw may continue to be maintained, provided, however, that no such sign or other advertising device shall be permitted if it is, after the adoption of this bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this bylaw; and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:~~

A. No sign or other advertising device shall be permitted if it is, after the adoption of this Bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this Bylaw; and
~~a. shall have been abandoned;~~

B. Any sign or other advertising device that has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign or other advertising device at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:

(1) Shall have been abandoned;

(2) Advertises ~~b. advertises~~ or calls attention to any products, businesses, or activities which are no longer sold or carried on at the ~~particular~~ premises; or

(3) Shall ~~c. shall~~ not have been repaired or properly maintained within ~~30~~^{thirty} (30) days after notice to that effect has been given by the Inspector of Buildings.

6.2.13. Nonaccessory Signs
Section 7.11 – Nonaccessory Signs

A. No person, firm, association, or corporation shall erect, display or maintain ~~, within the limits of the town,~~ a billboard, sign, or other outdoor advertising device, except those exempted by G.L. 93, §§ 30 and 32~~Section 30 and 32 of Chapter 93 of the General Laws, or by any additions to, or amendments of said sections.~~

B. No billboard, sign or other advertising device shall be erected, displayed, or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.

C. Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.

D. No nonaccessory signs shall be erected in any R District~~district~~ and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:

(1) On the premises of or within 300 feet of, a district, site, building, structure or object which is listed~~is listed~~ in the National Register of Historic Places in accordance with P. L. 89_-665, 805.915 (1966) as ~~now in force or hereinafter~~ amended;

(2) On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;

(3) Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the Zoning Map~~zoning map~~ of the Town of Arlington;

(4) Within a radius of one hundred 150~~fifty (150)~~ feet from the point where the centerlines of two or more public ways intersect;

(5) Exceeding a height of 30 feet measured from the ground surface;

(6) Upon the roof of any building;

(7) Exceeding an area of 300~~three hundred (300)~~ square feet or one-half ~~(1/2)~~ square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is

smaller;

(8) Containing a sign face with a vertical dimension ~~more than 12 in excess of twelve (12)~~ feet;

(9) Nearer than ~~100 one hundred (100)~~ feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight ~~(8)~~ feet or a height of four ~~(4)~~ feet;

(10) Nearer than ~~300 three hundred (300)~~ feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of ~~25 twenty-five (25)~~ feet or a height of ~~12 twelve (12)~~ feet; or

(11) In any event if such billboard, sign or other advertising device shall exceed a length of ~~50 feet or a height of 12 fifty (50) feet or height of twelve (12)~~ feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed ~~40 forty (40)~~ feet in length and ~~15 fifteen (15)~~ feet in ~~height if not height not~~ nearer than ~~300 three hundred (300)~~ feet to the boundary line of any public way.

E. No billboard, sign or other advertising device shall be erected, displayed or maintained ~~without a permit from until a Permit therefor has been issued by~~ the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from ~~the said~~ Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the ~~Board of~~ Selectmen shall hold a public hearing on ~~the~~ said application in the town, notice of which shall be given by posting the same in three or more public places in ~~the~~ said town at least one week before the date of ~~the~~ such hearing. A written statement as to the ~~decision of the Board~~ results thereof shall be forwarded to the Division ~~within 30 days from the date of notice of the town that an application for a permit had been made. containing, In containing, in~~ the event of a disapproval of ~~the~~ such application, the ~~Board shall provide reasons for the disapproval within 30 reasons therefor, within thirty (30)~~ days from the date of notice of the town that an application for such a permit had been made.

F. This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval._

Section 10.05 -- Sign Permit Required

No sign in any "B," "MU," "PUD," "T," "OS", or "I" District or sign requiring approval of the ZBA in any "R" District shall be erected on the exterior of any building or on any lot unless a sign permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building.

An application for a sign permit shall be accompanied by a plan, accurately drawn, showing the actual shape, dimensions and wording of the sign, and showing the location of the sign on the building or lot, and by such other information as the Inspector of Buildings may require. A record of all applications, plans, and permits shall be kept on file by the Inspector of Buildings. The Inspector of Buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within fourteen days of receipt of the application, or if the lot or building upon which the sign is to be erected is waiting approval of a building permit as required by Section 10.02 of this Bylaw, then action on such sign permit shall be taken within fourteen days after approval or denial of the building permit application.

~~7.1~~~~Section 11.03~~ - Removal of Sand, Gravel, Quarry or Other Earth Materials

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the State Building Code~~Building Laws~~), except by permission of Board of Appeals~~the ZBA~~.

8.1 Nonconforming Uses and Structures - 8.1.1 Applicability

~~Section 4.03 - Existing Buildings and Land~~

A. Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw (December 14, 2017). However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a single family or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible. This Bylaw shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this Bylaw, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

~~Section 9.01 - Nonconformity by Initial Enactment or Amendment~~

~~The provisions of this section apply to actions in connection with nonconforming uses, structures and lots as created by the initial enactment of this Bylaw or by any subsequent amendment. It is the purpose of this Bylaw to discourage the perpetuity of noneonforming uses whenever possible. The lawful use of any building or land existing at the time of the enactment of this Bylaw may be continued, except as otherwise provided.~~

Section 8.1.1

~~Section 10.03 - Previously Approved Permits~~

B. Construction ~~The status of previously approved permits shall be as determined by the Zoning Act, Section 6. The construction~~ or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw ~~amendment of the ordinance or bylaw~~ unless the use or construction is commenced within a period of not more than ~~twelve~~six months after the issuance of the permit and in any case~~cases~~ involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.1.2 Nonconforming Uses

Section 9.02 -- Extension and Alteration

Unless the Board of Appeals has made the finding provided for in G.L. c. 40A, § 6 and Section 8.1.1 above:

a. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.

~~A~~b. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, principal use of a structure shall not be extended.

B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.

c. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of forty (40) percent of the floor area of the existing structure.

C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40% of the floor area of the existing structure.

Section 9.05 -- Change

D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

b. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

a. Any nonconforming use of structure may be changed to another nonconforming use by Special Permit provided the new use is not a substantially different use as determined by the ZBA.

8.1.3 Nonconforming Single-Family or Two-Family Dwellings
Section 9.02 - Extension and Alteration

A. Alteration, reconstruction, extension, or structural change to a d. A single or two-family residential structure that may be altered and the conforming use extended throughout the altered portion provided that the resultant alteration does not increase the nonconforming nature of said structure the structure. An alteration that is completely within the existing foundation walls shall be permitted. deemed not to increase the noneonforming nature of the structure.

B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood. The extension of an exterior wall of a single or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new noneonformities, nor increases any open space noneonformities, and that no such extension shall be permitted unless there is a finding by the special permit granting authority that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. In making such a finding, the special permit granting authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting struetures and uses.

8.1.4 Nonconforming Structures Other Than Single-Family or Two-Family Dwellings
Section 9.02 - Extension and Alteration

Except as provided in Section 8.1.5 below, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

~~d. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resultant alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.~~

A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.

8.1.4

~~Section 9.04 - Reduction or Increase~~

~~Bb.~~ No building area or floor area, where already nonconforming, shall be increased so as to ~~create a~~be in greater non-conformity.

~~C. Any lawful~~9.04 c. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.

8.1.4

~~Section 9.08 -- Moving~~

~~D.~~ Any nonconforming structure shall not be ~~moved~~~~removed~~ to any other location on the lot or any other lot unless every portion of ~~thesueh~~ structure, the use thereof, and the lot shall be conforming.

~~Section 9.09 -- Unsafe Structure~~

~~E.~~ Except as covered under ~~Section 8.1.5 or Section 8.1.6~~~~Sections 9.06 and 9.07~~, any structure determined to be unsafe may be restored to a safe condition, provided ~~thesueh~~ work on any nonconforming structure shall be completed within one ~~(1)~~ year of the determination that the structure is unsafe and ~~the restoration work it~~ shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit ~~from the Board of Appeals or, granted by the ZBA, or~~ in cases subject to ~~Environmental Design Review in Section 3.4~~~~Section 11.06~~, the ~~Arlington Redevelopment Board. ARB.~~

8.1.5 Unsafe Structure

~~Section 9.09 -- Unsafe Structure~~

Except as covered under ~~Section 8.1.7~~~~Sections 9.06 and 9.07~~, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one ~~(1)~~ year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of AppealsZBA, or in cases subject to Environmental Design Review, Section 3.4.~~Section 11.06~~, the Arlington Redevelopment BoardARB.

~~8.1.6~~~~Section 9.04~~ - Reduction or Increase

~~Aa.~~ Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.4 or Section 8.1.5. ~~However, this section~~the Special Permit Granting Authority has permitted an alteration to the property pursuant to Section 9.02 d. ~~This section, however,~~ shall not apply in the case of a lot a portion of which is taken for a public purpose.

B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

~~c. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.~~

C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

~~Section 9.05 - Change~~

~~c. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.~~

8.1.7 Restoration, Abandonment, or Non-Use

Section 9.06 -- Restoration

Aa. Any ~~-nonconforming structure -or any structure -occupied by a nonconforming use, -which is damaged by fire or other natural cause,~~ may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original nonconforming use or a conforming use. If such restoration is not started within one year of the cause of the damage, ~~the repaired structure shall not be used except for~~use ~~or~~ a conforming use.

B. Any nonconforming use or structure which has been abandoned, demolished without reconstruction, or not used for a period of two years, shall lose its protected status and be subject to all provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.

~~b. If restoration under a. above is not started within one (1) year of the cause of the damage, the repaired structure shall not be used except for a conforming use.~~

Section 9.07 -- Abandonment

~~Any nonconforming use of a conforming structure and lot which has been abandoned for a continuous period of two (2) years or more shall not be used again except for a conforming use. For agriculture, horticulture or floriculture, the abandonment period shall be five (5) years.~~

C. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two ~~(2)~~ years unless other facts show intention to resume the nonconforming use.

~~Section 9.03 – Residential Lot of Record~~

~~Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it has a minimum area of five thousand (5,000) square feet, with a minimum front footage of fifty (50) feet, and is otherwise in accordance with the provisions of the fourth paragraph of Section 6 of the Zoning Act.~~

~~Section 9.10 – Special Permit Uses: Repair, Reconstruction, Extension, Addition.~~

~~Special permit uses are a special class of uses not existing as of right. Except as hereinafter provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 5.04, and Section 11.06 when applicable, if such activity were to commence as a new use thereon, then any reconstruction, alteration, addition or extension of such use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued therefore, except when or for:~~

- ~~1. A damaged or unsafe structure occupied by a use under previously granted special permit(s) may be repaired or reconstructed for such use in accordance with the same terms and conditions, if any, attached to such permit(s).~~
- ~~2. A damaged or unsafe structure occupied by a use not under previously granted special permit(s) may be repaired or reconstructed for such use without such permit(s) provided that the cost of such repair or construction does not exceed fifty (50%) percent of the physical replacement value of the previously existing structure(s).~~
- ~~3. Interior renovations are done without any addition to the gross floor area of the existing structure(s).~~
- ~~4. Reconstruction, alteration, or additions to a structure occupied by a use under previously granted special permit(s) for such activity provided that the addition does not exceed the lesser of 500 square feet or twenty-five (25%) percent of the gross floor area in existing structure(s) and that no such activity violates any condition(s) attached to such permit(s).~~

~~None of the foregoing exceptions shall exempt any construction undertaken thereunder from compliance with all dimensional, density, parking, landscaping or other provisions of this bylaw.~~

8.2~~Section 11.08~~ → Affordable Housing Requirements

8.2.1 Purposes

a. PURPOSE.

The purpose of this Section 8.2 is to:

A. Promote ~~The purpose of these requirements is to promote~~ the public health, safety and welfare by encouraging the expansion and improvement~~upgrading~~ of the ~~town~~Town's housing stock, especially its affordable housing; ~~to provide for a full range of housing choices for households of all incomes, ages, and sizes; to minimize the displacement of lower income Arlington residents; and to increase the production of affordable housing to meet employment needs.~~

B. Provide for a full range of housing choices for households of all incomes, ages, and sizes;

C. Minimize the displacement of lower-income Arlington residents; and

D. Increase the production of affordable housing to meet employment needs.

8.2.2 Applicability

~~11.08 b. APPLICATION:~~

The provisions of this Section ~~8.211-08~~ shall apply to all new residential development ~~Residential projects, including Phased or Segmented Developments,~~ with six or more units ~~Units~~ subject to Section 3.4, Environmental Design Review, comprised of any or all of the following ~~uses: pursuant to Section 11.06(b).~~

Single-family detached dwelling

Two-family dwelling

Duplex dwelling

Three-family dwelling

Townhouse structure

Apartment building

Apartment conversion

Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a two-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

8.2.3 Requirements

~~11.08 d. REQUIREMENTS~~

~~A. In any development subject to this Section 8.2, 15%1. Fifteen percent (15%) of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building Residential Units in new Projects shall be deemed a dwelling unitAffordable Units. In determining the total number of affordable unitsAffordable Units required, calculation of a fractional unit of .5 or more shall be rounded up to the next whole number. regarded as a whole unit.~~

~~B. The sale price or monthly rent of each affordable unit2. Affordable Units' prices shall be calculated such that household size matches the number of bedrooms plus one.~~

~~C3. Affordable unitsUnits shall conform to all requirements for inclusion in the Chapter 40B on the state's Subsidized Housing Inventory.~~

~~D. Affordable units shall be included in the locus of the development. In exceptional circumstances, the Arlington Redevelopment Board may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing affordable units, if it finds that:~~

~~4. Affordable Units shall be located on the Project site:~~

~~(1) it is in the best interest of the Town to do so, or~~

~~(a) In exceptional circumstances the ARB may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing Affordable Units, if it finds that:~~

~~(2) the provision of affordable units would result in a hardship that renders the development financially infeasible.~~

~~(i) it is in the best interest of the Town to do so, or~~

~~The financial contribution to the Affordable Housing Trust Fund for each affordable unit shall be equal to the difference between the full and fair cash market value of a market-rate unit and the maximum affordable price of an affordable unit, and shall be payable in full prior to issuance of a final occupancy permit.~~

~~(ii) the provision of Affordable Units would result in a hardship such as rendering the Project economically infeasible.~~

~~(b) The financial contribution for each Unit shall be equal to the difference between the fair market value of a market-rate unit and the price of an Affordable Unit, and shall be payable in full prior to issuance of a final occupancy permit.~~

~~E. Affordable units(e) Affordable Units shall be dispersed throughout the developmentproject and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.~~

8.2.4 Incentive

~~11.08 c. INCENTIVE~~

~~1. Notwithstanding the special permit requirement under Section 6.1.10, Location of Parking Spaces, and 6.1.11, Parking and Loading Space Standards: in Section 8.12(a)(10), the applicant shall have the option to reduce the number of spaces required in the Table of Off-Street Parking Regulations by up to 10%.~~

~~A. The applicant shall have the option to reduce the number of spaces required in Section 6.1.4, Table of Off-Street Parking Regulations by up to 10 percent.~~

~~B. In the 1. Notwithstanding the special permit requirements in Section 8.12 (a)(10), in the case of a single- single-room occupancy building or dormitorydwelling, dormitory, boarding house or lodging house, where more than 50 percent % of the units are affordable to households earning no more than 60% of Area Median Income, the median income, according to Section 11.08(e), DEFINITIONS, “Affordable Units”, the number of parking spaces for the affordable units may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.~~

8.2.5 Administration

~~11.08 f. ADMINISTRATION~~

~~A1.~~ The Arlington Redevelopment Board shall administer ARB ~~shall be charged with the administration of~~ this Section ~~8.211.08~~ and may ~~adopt administrative~~ promulgate rules and regulations to implement its provisions.

~~B2.~~ Occupancy permits may be issued for ~~market-fair-market~~ rate units prior to the end of construction of the entire ~~development~~ project provided that occupancy permits for affordable units ~~Affordable Units~~ are issued simultaneously on a pro-rata basis ~~according to the formula set forth in section d, paragraph 1.~~

~~C3.~~ Sales prices, resale prices, initial rents and rent increases for affordable units ~~Affordable Units~~ shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.

~~D4.~~ The affordable units ~~Affordable Units in Projects~~ shall be subject to a marketing plan approved by the Director of Planning and Community Development ~~Housing~~, consistent with federal and state fair housing ~~Fair Housing~~ laws and the Town of Arlington's approved Fair Housing policy, on file in the Department of Planning and Community Development.

~~E.~~ To the extent not inconsistent with the provisions of G.L. c.183A, condominium ~~5- Condominium~~ documentation shall provide the owners of the affordable units ~~Affordable Units~~ with voting rights sufficient to ensure an effective role in condominium decision-making.

~~6-~~ All legal documentation shall be ~~reviewed by and~~ subject to review and approval by Town Counsel or its designee ~~approval of legal counsel to the Town~~.

~~Section 11.08 - c. DEFINITIONS:~~

~~Project: Developments subject to the requirements of Section 11.08.~~

~~Residential: Use items 1.01a, 1.02a, 1.03, 1.04, 1.05, 1.07 and 1.10 listed in Table 5.04.~~

~~Units: Dwelling Units or Lodging Units.~~

From: Jenny Raitt
To: aquinn@town.arlington.ma.us
Subject: Fwd: Citizens_Guide_to_Zoning Bylaw_Revisions_1_9_2018.pdf
Date: Wednesday, January 10, 2018 9:29:32 AM
Attachments: [Citizens_Guide_to_Zoning Bylaw_Revisions_1_9_2018.pdf](#)
[Untitled attachment 00049.html](#)

Jennifer Raitt
Director, Planning and Community Development
Town of Arlington
781-316-3092

Begin forwarded message:

From: Wynelle <evco7@rcn.com>
Date: January 9, 2018 at 8:37:40 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>, ABunnell@town.arlington.ma.us, awest@town.arlington.ma.us, dwatson@town.arlington.ma.us, klau@town.arlington.ma.us, ebenson@town.arlington.ma.us
Cc: Elizabeth Pyle <lizandlucy@gmail.com>, plpalp@verizon.net, Chris Loreti <cloreti@verizon.net>, jon@planetbanjo.com
Subject: Citizens_Guide_to_Zoning Bylaw_Revisions_1_9_2018.pdf

Hi all,

Please find attached the annotated guide mentioned at last night's hearing, which we hope will be helpful. I had intended to have it to you earlier but my ISP email is out, apparently for the evening.

If any of the comments aren't clear, please don't hesitate to let one of us know.

Thank you, and best wishes—
Wynelle

Wynelle Evans
781.643.4547 o
781.859.9291 c
evco7@rcn.com

Citizen's Guide to Arlington Zoning Bylaw Recodification
January 9, 2018

The attached document and this cover sheet are being submitted to the Arlington Redevelopment Board (ARB) by the undersigned individuals as formal written comments for the Public Hearing begun on January 8, 2019 on Article 2 of the 2018 Arlington Special Town Meeting: ZONING BYLAW AMENDMENT/RECODIFICATION. We respectfully request that they be made part of the public docket for the hearing.

The attached document is an annotated version of the "Guide to Arlington Zoning Bylaw Recodification" prepared by the Zoning Recodification Working Group, and dated December 14, 2017 with a revision date of December 18, 2017. The content of the original document has been maintained in its entirety without any intentional changes, with the exception of some highlighting of text. Where any of us have made comments on any row of the original tables, they appear to the far right in the same row, in the column with the heading "Citizen Review Comments."

The purpose of our review was to assess the changes made to the existing bylaw to prepare the Hearing Draft: PROPOSED REVISION OF THE ARLINGTON ZONING BYLAW dated December 14, 2017. Given the limited amount of time available for this review, we make no representations that all changes and additions have been identified, nor that our comments are complete.

Based on our detailed review, we are unanimous in our opinion that given the numerous errors, inconsistencies, and out-of-scope policy changes in the Hearing Draft, the document is not close to being ready for a Town Meeting vote, and insufficient time exists for the Hearing Draft to be corrected and publicly vetted before the February 12, 2018 Special Town Meeting. Thus, we request a No-Action recommendation by the ARB on Article 2. Once all of the issues we have identified have been addressed and undergone public review, the proposed bylaw revisions will be ready for a Town Meeting vote.

Wynelle Evans, Residential Study Group Member

Jon Gersh, Town Meeting Member, Precinct 18

Christopher Loreti, Former Member of the Arlington Redevelopment Board and Former Town Meeting Member, Precinct 7

Paul Parise, Resident, Precinct 15

Elizabeth Pyle, Residential Study Group Member, Town Meeting Member, Precinct 10

Guide to Arlington Zoning Bylaw Recodification

Prepared by the Zoning Recodification Working Group

December 14, 2017

Introduction: This guide is a companion to the “Hearing Draft, Proposed Revision of the Arlington Zoning Bylaw December 14, 2017” to describe in detail where and why sections on the existing Zoning Bylaw were moved or edited.

The scope of the revision is a recodification, reorganization, and updating of the bylaw. The goals of this recodification effort are to: (1) create a document that is easy for users to navigate; (2) simplify and update the language of the Bylaw wherever possible without losing meaning of the intent of the Bylaw; and (3) provide a structure that is both predictable and flexible enough to accommodate amendments over time. In addition, recodification ensures the Bylaw is consistent with internal and external laws and regulations, e.g. conformance with Massachusetts General Law Chapter 40A The Zoning Act.

This guide consists of a table organized to be reviewed by row; each row represents a section of the bylaw. Along each row there are five columns. The first two columns identify the section and title of provisions in the current zoning bylaw. The third column identifies the corresponding section in the revised zoning bylaw. The fourth column summarizes proposed changes. The fifth column explains the purpose for the amendment, such as to make the bylaw easier to understand and use, or to make it consistent with local or state laws or regulations. A detailed explanation of proposed amendments to the Definitions section begins on page 22.

The first Arlington Redevelopment Board Public Hearing on the Hearing Draft of the Zoning Bylaw will be on **Monday, January 8, 2018 at 8:00 p.m.** Any questions may be directed to the Department of Planning and Community Development at 781-316-3090 or zoningrecod@town.arlington.ma.us.

Guide to Arlington Zoning Bylaw Revision					
Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
1.01	Short Title	1.1			No substantive change
1.02	Authority	1.3	The recodification removes language from 1.02 that did little more than state the obvious (e.g., a statement that mandatory amendments to 40A would supersede provisions in the Zoning Bylaw). This section now references authority granted by MGL Ch. 40A and Article 89 of the Amendments to the MA Constitution.	Usability	No substantive change
1.03	Purpose	1.2	No change from current purpose statement.	Usability	No substantive change
2.01	Definitions	2	See “Definitions” details at the end of this document.		
3.01	Establishment of districts	4.1, 4.1.1	Section 3.01 lists the zoning districts; the same list appears in Section 4.1.1 of the recodification.	Usability	Added section 4.1.2 Overlay Districts (reserved) Future use – no content

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
3.02	Description of zoning districts	5.4.1	Section 3.02 provides a brief description of each district, along with the purpose for which that district was intended. The recodified ZBL presents this material in three sections, corresponding to residential districts, business districts, and other districts. Descriptions of residential districts appear in section 5.4.1 of the recodification.	Usability	Very minor change in R7, changed "same scale" to "similar scale" "similar" might leave some wiggle room
3.02	Description of zoning districts	5.5.1	Section 5.5.1 of the recodification contains descriptions of business districts, taken from Section 3.02. See also: preceding comments for section 3.02 of the current ZBL.	Usability	OK
3.02	Description of zoning districts	5.6.1	Section 5.5.1 of the recodification contains descriptions of multi-use, industrial, transportation, planned unit development, and open space districts; these definitions are taken from Section 3.02. See also: preceding comments for section 3.02 of the current ZBL.	Usability	Industrial District wording omitted "Mill Brook Valley" and added "by Special Permit" to last sentence. Mixed use development is allowed in this district without residential space "by Special Permit"

3.03	Zoning Map	4.2	Section 3.03 states that the zoning map and wetland and floodplain overlay are part of the zoning bylaw. These statements appear in Section 4.2 of the recodification. Section 4.2 also states that amendments to these maps are made in the same manner as any other amendments to the bylaw.	Usability	Dates of Zoning Map and Overlay are not included in new document, but were included in current ZB Don't see highlighted statement (left) in the new document Second sentence in new draft should be reworded to: "The Zoning Map showing the district boundaries and including an overlay map entitled 'Wetland and Floodplain Overlay' are part of this bylaw."
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
3.04	Changes to Map	1.5	Removed language regarding registration for nonresident property owners; the Town Clerk informs us that no one has ever registered under this provision.	Consolidation of Requirements	Don't Understand. Don't see the highlighted sentence in 3.04

3.05	Boundaries of Districts	4.2.1	Section 3.05 states how district boundaries are interpreted. List items a-g in Section 3.05 correspond to list items A-G in section 4.2.1 of the recodification.	Usability	In 4.2.1A add “rapid” in front of transit Language of 4.2.1G simplified
4.01	Interpretation				Not present in new document. Parts are included in Sec. 1. Substantive change? There is a similar sentence in S. 1, but this one, which was dropped, is more protective: “Whenever the regulations made under the authority hereof differ from those prescribed by any statute, bylaw, other section of the Zoning Bylaw, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.”
4.02	Application	1.4			Parts of 4.02 are picked up in 1.4. Does not include conforming/non-conforming statement. Substantive change?? Not a big issue as non-conformities are covered separately

4.03	Existing Buildings and Land	8.1	Non-conforming Uses and Structures moved to “Special Regulations”	Usability	Sec. 8.1 is a large, complex section. Substantive change?? OK to drop this as a separate section and cover it as part of Section 8.
4.04	Multiple Business Uses		Removed. Mixed Use moved to Definitions.	Consolidation of Requirements	Definition of Multiple Business Uses is removed and its intent is not covered elsewhere i.e., “...the regulation for each use shall apply to the portion.....”
5.01	Applicability of Use Regulations	1.4, 5.1		Usability	OK
5.02	Permitted Uses	5.2	Government uses allowed in all districts added.	Usability and Consistency with State Law	No longer includes criteria where use is only permitted by special permit. No longer mentions criteria defining principal and accessory uses, and other issue where a commercial property may become a residential property. Substantive change?? The additional text is OK, but not dropping the

					current 2 paragraphs of S 5.02 is not. Looks like they could now allow building on streets without adequate utilities, and dropped the explicit listing of where multiple uses are allowed (and by implication not allowed) on a single lot.
5.03	Uses Subject to Other Regulations		Removed. Unnecessary.	Usability	OK
5.04	Table of Use Regulations	5.2.1	Uses permitted in all districts	Usability	Don't understand how sec. 5.2.1 applies here to table of use regulations

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
5.04	Table of Use regulations	5.4.3	Use regulations for residential districts. Table has been rearranged and a few uses consolidated. Religious and educational uses have been removed, in conformance with case law ("Dover Amendment").	Usability and Consistency with State Law	Original Table footnotes A and B appear to be missing. Single Room Occupancy Bldg added to R3 thru R7

					<p>Group Home added to R0 thru R7</p> <p>Dormitory added to R2</p> <p>Conversion to apt. 18 units etc. listed twice, but this time in R3 R4 as opposed to R4 R5 in first listing</p> <p>Conversion of 1 or 2 family to B&B listed twice</p> <p>Rehabilitation Residence R3 to R5 not listed</p> <p>Need to add footnote C from current ZB to Nursing Home, Rest Home item</p> <p>Essential Services under Utility, Trans. & Comm. is new and needs definition</p> <p>New item under Wireless Communication re: bldgs. Exempt under G.L.40A</p> <p>Office with less than 50 ft.</p>
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					<p>front right of way (item 6.22a current ZBL) is omitted. Was all SP in R4 to R7, so it's probably a moot point.</p> <p>"Enclosed entertainment and recreation facilities...." with SP required in R0 to R5 In the current ZBL is missing? New item?</p> <p>Home Occupation – should reference sec. 5.9, not 5.8</p> <p>Assume family Child Care replaces 8.08, if so, SP required for all R categories</p> <p>Articles 2.05, 2.06, 2.07, 5.11c, and 8.02 have been omitted presumably due to "Dover Amendment"</p> <p>Item 8.07, Dr.'s / Clergy Home office, appears to be missing.</p>
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5.04	Table of use regulations	5.5.3	Use regulations for six business districts (B1, B2, B2A, B3, B4, B5). The allowed uses either by right or by Special Permit are grouped into major categories of similar types of land uses for ease of searching.	Usability and Consolidation of Requirements	<p>Item 1.07 Licensed Lodging House, B1, B5 SP appears to be missing. Could be the Single Room Occupancy item listed?</p> <p>Item 1.08, Rehabilitation Residence, B1 SP appears to be missing.</p> <p>Group Home, permitted in all districts, seems to be new addition</p> <p>Conversion of apartments up to 18 formerly allowed by SP in B1 only; now allowed by SP in B4 and B5 only.</p> <p>Dormitory, SP in all B districts, appears to be a new item</p> <p>Community center, etc. Formerly by SP in B1, B2, B3, and B5. Now by SP in B1, B2, B2A, and B4.</p> <p>Library, Museum, etc. Formerly SP everywhere</p>
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					<p>except B4. Now SP in all districts.</p> <p>Conservation Land now Yes all B districts, appears to be a new item.</p> <p>Municipal Enclosed entertainment, etc. now SP in all districts. Formerly B1 excluded.</p> <p>Item 4.06, US Post Office missing.</p> <p>Indoor Motion Picture Theater, formerly SP B2 thru B5, now SP B2a thru B5.</p> <p>Essential Services – needs definition</p> <p>Municipal radio or television studio, SP B2, appears to be new.</p> <p>Home Occupation should reference Sec. 5.9 not 5.8</p>
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5.04	Table of use regulations	5.6.3	Use Regulations for MU, PD, I, T, and OS Districts. The allowed uses either by right or special permit are grouped into major categories of similar types of land uses for ease of searching.	Usability and Consolidation of Requirements	<p>Single Family detached – SP added</p> <p>Two family duplex – SP added</p> <p>Three family dwelling – SP added</p> <p>See footnote A – six or more units on a contiguous lot: formerly was SP for both MU and PUD. Now the draft has SP for MU and Yes for PUD</p> <p>Substantive change??</p> <p>This is OK. One and two-families are by-right in PUD (no change), but as before if you have six or more on a lot, a SP is needed (so that affordable housing requirements are triggered).</p> <p>Conversion to apartments 18 units, etc., currently not addressed; new draft SP for PUD</p>
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					<p>Item 1.07 Licensed Lodging House, PUD SP appears to be missing. Could be the Single Room Occupancy item listed?</p> <p>Item 1.08, Rehabilitation residence, MU and PUD SP appears to be missing.</p> <p>Group Home, permitted in MU and PUD seems to be new</p> <p>Conservation Land now Yes all districts, not just OS</p> <p>Item 4.06, US Post Office missing</p> <p>Essential Services now SP for all districts, not just MU, PUD, and I</p> <p>Bank < 2000 sq. ft. should be PUD Yes: Bank > 2000 sq. ft. should be PUD SP</p> <p>Consumer Service establishment – current</p>
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					<p>ZBL indicates Yes, not SP, for more than 5 employees. Needs resolution.</p> <p>Current ZBL indicates Veterinary Care Yes in PUD, not yes in I</p> <p>Current ZBL indicates restaurant <2000 sq. ft. is Yes in I, not SP</p> <p>Retail <1000 sq. ft. should be Yes in PUD and I; >1000 sq. ft. should be SP in PUD and I</p> <p>Item 6.22a of current ZBL needs to be addressed in all Use Tables</p> <p>Mixed Use (under light industry) needs to add footnote D</p> <p>Accessory structure not used as part of business – SP for T district added</p> <p>Home occupation</p>
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					<p>footnote C should reference Sec. 5.9, not 5.8</p> <p>Footnote C says SP required if customers or pupils come to house. Current ZBL says Yes, not SP</p> <p>Missing item 8.16</p>
5.05	Home Occupation	5.8.1	Moved from Use Regulations to District Regulations. Requirements are unchanged.	Usability	Moved to section 5.9, not 5.8.1
5.06	Joint Occupancy of Schools		Eliminated. Unnecessary for the bylaw to address authority of the school department	Consolidation of Requirements	OK
6	Table of Dimensional and Density Regulations	5.4.2	Regulations for residential districts are grouped together for ease of searching. Accessory structures are grouped with other residential structures by zone.	Usability and Consolidation of Requirements	<p>R2 should be 20' front setback, now 25', and has been combined w/R0, R1</p> <p>R3,4,5 add dimensions for "accessory structures"</p> <p>R0 Open Space/Lot Avg, combines dwelling w/permanent principle structure</p> <p>R0,1,2 Height/Floors/FAR adds "minor accessory</p>

					<p>structure” < and > than 80 sq. ft.</p> <p>R3 FAR combines dwelling, duplex, and townhouse; Adds “detached accessory structure” < and > than 80 sq. ft.</p> <p>R4 deletes FAR requirement for nursing home, dorm, lodging; Changes “other permitted structure: from 2.5 to “3 – 2.5” stories; Adds “detached accessory structure” < and > than 80 sq. ft.</p> <p>R5 FAR combines all residential structures; Adds “detached accessory structure” < and > than 80 sq ft</p> <p>R6 FAR added –Accessory Bldgs and Garage Structures with setbacks F20’, S10’, R10’</p>
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					<p>R7 FAR added –Accessory Bldgs and Garage Structures with setbacks F none, S20', R20'</p> <p>R6 FAR added –Accessory Bldgs (>80 sq. ft. and <80 sq. ft.) w/ Max ht of 20ft (2 stories) and 7ft (1 story) respectively</p> <p>R6, Townhouse FAR of 1.20 seems to be missing</p>
6	Table of Dimensional and Density Regulations	5.5.2	Tables for dimensional and density requirements for principal and accessory uses and structures are presented for all six business districts (B1,B2, B2A, B3, B4 and B5)	Usability and Consolidation of Requirements	<p>B1 Mixed use, Min lot size per draft is blank; per current is 5000 sq. ft.</p> <p>B2 Mixed Use, >20,000 sq. ft. Frontage says 0 ft; per current is 50 ft; also Min Lot area per unit is blank; per current is 1450 sq. ft.</p> <p>B2 Any Other Permitted Use says Min lot size 5000 sq. ft.; per current is blank.</p>

					<p>B2A Min Yard Setbacks – Row missing for >20,000 sq. ft. lot</p> <p>Usable Space – numerous entries reference Sec. 5.3.20 - this is Maximum Height Restrictions – makes no sense</p> <p>B1 Mixed Use Landscaped space is 10%, current is 20%</p> <p>B2, Open Space row for Mixed Use >20,000 sq. ft. is missing</p> <p>B2A Open Space Apartment w/ ROW <50ft is 20%. Per current is 25%</p> <p>B1 Mixed Use and Other Permitted Uses Height Max. is 2-1/2 stories. Per current it's 3 stories</p> <p>B2 Mixed Use Height Max. should reference 5.3.21C, not 5.3.20</p>
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					<p>B2 Mixed Use Height Max missing >20,000 sq. ft. row</p> <p>B2 Other Permitted Uses Height Max. is 2-1/2 stories. Per current it's 3 stories</p> <p>B2A Mixed Use Height Max. does not agree with current.</p> <p>B3, B4 dimensional requirements unchanged</p> <p>B3 mixed use useable open space was defined in footnote H, now supposedly in 5.3.20 but this only defines max. ht. exceptions?</p> <p>B4 Mixed Use Front, side, rear was 0, 10+(L/10), 5, now 0, 0, 10+(L/10)</p> <p>B5 Mixed Use rear was 10+(L/10), now (H+L)/6</p>
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					<p>B5 single, 2-fam etc. Landscaped & Usable Open Space Min was 10% and 30%, now 10% and 30%</p> <p>B5 Any Other Use Landscaped & Usable Open Space Min was 10% and 20%, now 20% and “as in 5.3.20,” but this only defines max. ht. exceptions?</p> <p>B5 Townhouse and Apt. FAR was 1.5, now 1.4</p>
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amend ment Purpose	Citizen Review Comments
6	Table of Dimensional and Density Regulations	5.6.2	Tables for dimensional and density regulations for principal and accessory uses and structures are presented for MU, PUD, I, T and OS Districts	Usability and Consolid ation of Require ments	<p>B5 MU Landscaped & Usable Open Space Min was 50% and 15%, now no value is shown</p> <p>B5 T Landscaped Open Space Min was 30%, now no value shown</p>

					B5 I Stories and Ht. was 52/4 and 39/3, now 52/3 and 39/4
6.01	Reduction in lot area and separation of lots	5.3.2	No change in wording.	Usability and Consolidation of Requirements	No significant change
6.02	Setback from Open Stream	5.7.4	Edited but unchanged. Also defined in the Floodplain regulations and in the Town Wetland Bylaw. In State law the setback is more restrictive. Zoning Board of Appeals cannot over-rule the State Wetlands Law nor Town Wetlands Bylaw.	Usability	No significant change
6.03	Spacing of a Residential building on the same lot with Another principal building	5.3.3	Minor editing.	Usability	Deleted 6.03 (c), dealing w/setbacks for side-by-side res and non-res bldgs. on same lot

6.04	Spacing of nonresidential buildings on the same lot	5.3.4(A)	No change in wording.	Usability	No significant change
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
6.05	Exceptions to Dimensional Requirements for Uses 2.05 and 2.07	5.3.4(B)	Slightly edited to name uses instead of giving their numbers. Otherwise unchanged.	Usability	No significant change
6.06	Exception to Minimum Lot Size, frontage, open space, and side yard requirements in the R0, R1, R2 districts	5.4.2(B)(1), 5.4.2(B)(2)	Edited but unchanged	Usability	Language changes. Substantive change? It deletes a related part of Section 9. Based on state law, grandfathering of lots between 5000 and 6000 sq. ft. is supposed to be only for vacant lots, of which there are very few in Arlington. They dropped the requirement that the grandfathering applies

					only to lots without a principal structure. They do say it applies "If a building permit for construction was not issued prior to August 28, 1975..." But I don't believe building permits were issued until after the 1920s. So you can now have an old house on an undersized lot of 5000 sq. ft. (with 50' of frontage), and under the revised bylaw, you could do a teardown, and the Building Inspector will treat that lot as buildable.
6.07	Buildings in floodplains	5.7	Conservation Commission rules are more restrictive. No structure, no activity is allowed within 50 feet of the 100 Ft. floodplain boundaries.	Consistency with local law.	Review of this item (Buildings in Floodplains) should be covered under review of Sec. 11.04 of current permit
6.08	Large additions	5.4.2(B)(6)	Clarifying language regarding when floor area is measured. Substance is unchanged.	Usability	No substantive change, other than adding that floor area is measured and defined as of the date of permit application Cross-reference for the Board "acting pursuant to Section 10.11" is missing

6.09	Lot area per dwelling unit	5.3.1	Edited but unchanged.	Usability	No substantive change (as an aside – I do not know what the last sentence means)
6.10	Sale or lease of lots in a planned unit development	5.6.2(B)	No change in wording.	Usability	No substantive change Corresponding section in new draft is 5.6.2(C), not (B)

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
6.11	Land area included in the calculation of floor area ratio	5.3.5	No change in wording.	Usability	No substantive change
6.12	Exceptions to Maximum Floor Area Ratio Regulations	5.3.6	Changes “Plans and Policies” to “Master Plan”. Uses simplified def. of affordable housing units.	Usability and Internal Consistency	5.3.6.A2 should read ‘5.3.6’ not ‘5.3.5’ 5.3.6C should read ‘5.3.6’ not ‘5.3.5’ 5.3.6.C should read “except for buildings in section 5.3.6A3 above,” not “except for buildings

					<p>in Subsection C above”</p> <p>5.3.6D4 has not included mention of current Use 8.09, Location of Loading Docks.</p> <p>Substantive change?</p> <p>Yes. This entire sentence is deleted: “Any gross floor area to be used for offices, for any other nonresidential principal use, or for Use 8.09 shall not be included in calculating the average gross floor area per dwelling unit.” The point is that the bonus only applies to residential unit area not non-residential areas.</p>
6.13	Reduced Height Limits in Height Buffer Areas	5.3.19	No change in wording.	Usability	Existing a,b,c, text definitions replaced by chart
6.14	Exceptions to Maximum Height Regulations	5.3.20	Format change only.	Usability	B. deleted language re: CTV antennas

6.15	Height of Accessory Building and Other Structures in Residential € Districts	5.4.2	Regulations for accessory structures are incorporated into Tables of Dimensional and Density Regulations, by district.	Usability	Rolled into dimensional regs
6.16	Screening and Space Buffers – Industrial and Business Districts and Parking Lots	5.3.7	No change in wording.	Usability	For B3, B2a, B4 abutting R0 - 5, was 15', now changed to 25'

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
6.17	Corner lots and Thru lots	5.3.8	No change in wording.	Usability	No change
6.18	Setback of Accessory Buildings and Other Structures	5.4.2	Incorporated into Tables of Dimensional & Density Regulations.	Usability	R0 – 2 was 6' side and rear setback, now 10' R7 was 20' front and 10' side and rear, now expressed as $15+(H/10)$ and $(H+L)/6 > 20'$

					<p>Lost setback requirements for detached garages</p> <p>Lost definition of “accessory buildings”</p> <p>Lost regulations for above-ground pools</p> <p>The revised version is missing any mention of accessory building limits for R0 - R3, implying that all accessory buildings are subject to the same 10' and 20' side and rear setbacks of primary structures. There is no exception for sheds/minor accessory buildings.</p>
6.19	Projections into minimum yards	5.3.9	No change in wording.	Usability	No change
6.20	Exception to Minimum Front Yard – Average Setback	5.3.10	Vacant lot [or lot proposed for reconstruction] added for clarification.	Usability	No change
6.20a	Minimum Lot Width in R0, R1 and R2 Districts	5.4.2(b)(4)	No change in wording. Typo to be corrected (“above” to “below”)	Usability	<p>Deleted reference to R1 and R2</p> <p>Deleted details of</p>

					<p>measurement calculation</p> <p>Substantive change?</p> <p>6.20a was there to prevent someone from doing an hourglass shaped or greatly tapered front yard. (The whole front yard cannot be less than 50’ wide—this is not the same a frontage.)</p> <p>The new section is an old section that provided exceptions to the R0 zoning district for older lots. 6.20a needs to be restored as written to prevent even goofier-shaped lots than are now allowed.</p> <p>There are significant changes in wording, and measurement specs have been deleted.</p> <p>Exceptions to Min Lot Size, etc., was 6.06</p> <p>Now 5.4.2 (b) (4) states</p>
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					<p>that “The minimum lot width of 50 feet shall not apply to (i) any lot excepted under Section 5.4.2(B)(3) “</p> <p>But 5.4.2.(B)(3) is very different from 6.06 in wording, start dates of applicability, and minimum sq. ft. and frontage</p>
6.21a	Dimensional Requirements for Courts	5.3.11	No change in wording.	Usability	No change
6.21b	Dimensional Requirements for Courts	5.3.14	Townhouse requirements moved to 5.3.14	Usability	<p>No change to 6.21b.</p> <p>Adds this language: (this is 6.25) 5.3.14. Yards for Townhouse Structures</p> <p>“One townhouse structure shall be separated from the end of another townhouse structure by a distance not less than two times the minimum side yard of the district in which the site is located. “</p>

6.22	Traffic Visibility Across Corners	5.3.12(A)	No change in wording.	Usability	No change
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amend ment Purpose	Citizen Review Comments
6.23	Traffic Visibility for Driveways	5.3.12(B)	No change in wording.	Usability	No change
6.24	Accessory Underground Structures	5.3.13	No change in wording.	Usability	No change
6.25	End Yards for Town House Structures	5.3.14	Edited but unchanged.	Usability	Adds this, in 5.3.14 B: (This is 6.21b) “When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less than the sum of the minimum front and rear yards specified for the district in which they are located. “

6.26	Buildings of Uneven Height or Alignment	5.3.15	No change in wording.	Usability	No change
6.27	Yards or Setbacks for Lots Adjoining a Street or Public Open Space	5.3.16	No change in wording.	Usability	No change
6.28	Planned Unit Development Yards and Setbacks	5.6.2	In table footnote B	Usability	No change
6.285	Upper Story Building Step Backs	5.3.17	No change in wording.	Usability	No change

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
6.29	Balconies and Roof as Portion of Usable Open Space	5.3.18	No change in wording.	Usability	Existing: “The ZBA, or in cases subject to Section 11.06, the ARB may authorize by special permit ...” New: “The Board of Appeals or

					Arlington Redevelopment Board, as applicable, may grant a special permit ...”
6.30	Open Space Regulations for Planned Unit Developments	5.6.2(A)	This describes the minimum open space requirements for planned unit developments by land use category	Usability and Consolidation of Requirements.	Actually in 5.6.2.(b), otherwise no change
7.01	Signs – Intent and Purpose	6.2.1	Minor rewording	Usability	6.2.1.E seems to be new: “Maintain public safety, consistent with constitutional requirements protecting freedom of speech.”
7.02	Signs – Applicability	6.2.2	Minor rewording	Usability	No substantive change
		6.2.3	Added new section on administration of sign bylaw	Usability	
7.03	Signs – General Regulations	6.2.4	Minor rewording	Usability	No substantive change
7.04	Prohibited signs	6.2.5	Minor rewording	Usability	No substantive change
7.05	Signs permitted in any R district	6.2.6	No change in wording	Usability	No substantive change
7.05a	Signs for Bed and Breakfasts	6.2.7	No change in wording	Usability	No substantive change

7.06	Signs permitted in any B, I, or PUD district	6.2.8	Minor rewording	Usability	No substantive change
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
7.07	Special controls by Zoning district	6.2.9	Minor rewording	Usability	No substantive change
7.071	Signs permitted in B1, R6, R7 districts	6.2.9(A) and (B)	No change in wording	Usability	No substantive change
7.072	Signs permitted in any B2 or T district	6.2.9(C)	No change in wording	Usability	No substantive change
7.073	Signs permitted in any B3, B5, or PUD district	6.2.9(D)	No change in wording	Usability	No substantive change
7.073a	Signs permitted in any B3 and B5 District	6.2.9(E)	Corrected typo. Otherwise, no change in wording.	Usability	No substantive change

7.074	Signs permitted in any B2A or B4 district	6.2.9(F)	No change in wording	Usability	No substantive change
7.075	Signs Permitted in MU Districts	6.2.9(G)	No change in wording	Usability	No substantive change
7.076	Signs Permitted in OS districts	6.2.9(H)	No change in wording	Usability	No substantive change
7.08	Sign Permits and Maintenance	6.2.10	Permit filing requirements to be moved to departmental regulations. Minor rewording.	Usability	No substantive change

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
7.09	Signs – Special Permits	6.2.11	No change in wording	Usability	No substantive change
7.1	Nonconformance of Accessory Signs	6.2.12	Long sentences converted to numbered lists.	Usability	No substantive change
7.11	Nonaccessory Signs	6.2.13	Minor rewording	Usability	No substantive change

8.01	Off Street Parking Requirements	6.1.1€	Added purpose statement. Incorporates first two sentences of old 8.01.	Usability	Seemingly benign introductory clause(s)
		6.1.1(A)	Added new purpose statement.	Usability	Ditto
		6.1.1(B)	Added new purpose statement.	Usability	Ditto
		6.1.2	Added new explanation of the conditions under which the parking regulations apply.	Usability	Ditto
8.01	Off Street Parking Requirements	6.1.3(A)	Added new introduction to the administration of parking regulations.	Usability	Accrues some new powers to ARB in administration of parking regulations
		6.1.3(B)	Added introduction to the administration of parking regulations. Incorporates last sentence of old 8.01	Usability	Now requires off-street parking to be made available with new/remodel job.
8.01	Off Street Parking Requirements	6.1.4	Organized Table of Off-Street Parking Regulations into labeled sections. Updated outdated uses and consolidated redundant uses. Clarified ambiguous or inconsistent terminology.	Usability	Removes this requirement for apartment houses: "two per three or more bedroom units," Removes some parking requirements for Lodging, B&B, Theater, Restaurant, Gym, etc.

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
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8.01(a)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5	First sentence edited to clarify permitting authority, and to include all multi-family residential zones.	Usability and Internal Consistency	Added R7 to list of covered zoning areas—those where the ARB can reduce parking requirements by 75%.
8.01(a)(1)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5(A)	No change in wording.	Usability	No substantive change
8.01(a)(2)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5(B)	Deleted redundant provisions. Cross references updated.	Usability and Internal Consistency	No substantive change
8.01(a)(3)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5(C)	No change in wording.	Usability	No substantive change

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
8.02	Off street loading and unloading requirements	6.1.6	Title changed for consistency. Removed redundant use list from introductory paragraph (uses are enumerated in table). Edited to make permitting authority clear. Uses are now consistent with Section 6.1.4.	Usability	May accrue some new power to ARB re: parking.
8.03	Existing Spaces	6.1.7	Grammatical edit for clarity in last clause, added section reference.	Usability	No substantive change
8.04	Computation of Spaces	6.1.8	No change in wording.	Usability	No substantive change
8.05	Combined facilities	6.1.9	Edited to make permitting authority clear. Added requirement for legally enforceable agreement for consistency with location section.	Consistency and Law	Requires legal agreement for shared parking arrangements
8.06	Location of Parking Spaces	6.1.10	Edited to make permitting authority clear. Added words “legally enforceable” to agreement requirement.	Consistency and Law	Accrues some new power to ARB (in addition to ZBA.)

8.07	Parking in Residential Districts	6.1.10(A)	8.07 heading and subsections a and b combined into 6.1.10(a). Made dwelling definitions consistent.	Usability	No substantive change
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
8.07(a)	Parking in Commercial Districts	6.1.10(B)	Removed unnecessary business district list. Edited to make permitting authority clear.	Usability	No substantive change
8.07(b)	(Not titled)	6.1.10(C)	Added section reference.	Usability	No substantive change
8.08	Parking of Commercial Vehicles	5.4, 5.5, 5.6	Deleted due to redundancy with Section 5, Use Tables.	Usability	
8.09	Location of Loading Spaces	6.1.10(E)	No change in wording.	Usability	No substantive change
8.1	Pavement of Parking Spaces	6.1.11(B)	Simplified description of pavement types.	Usability	Removed "Non-erosive" parking paving material restriction
8.11	Public Parking Lots	6.1.10(D)	Moved into Location section 6.1.10. Edited to make permitting authority clear. Added section reference.	Usability	

8.12	Parking and Loading Space Standards	6.1.11	Renumbered subsections. Grammatical edits in 6.1.11(C)(5) and (6). Edited to make permitting authority clear in 6.1.11(C)(10) and (11). Added “landscaping” to standards reference in 6.1.11€.	Usability	Minor changes to paving materials. 6.1.1.C(11) accrues power to ARB similar to ZBA
8.13	Bicycle Parking	6.1.12	Removed “intent” statement as redundant with 6.1.1. Updated section cross references. Removed unnecessary cross references to use table.	Usability	Accrues some power to ARB which may have previously fell to ZBA

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary		Amendment Purpose	Citizen Review Comments
9.01	Nonconformity by Initial Enactment or Amendment	8.1.1	Expanded.		Consistency with State law	
9.02	Extension and Alteration	8.1.2	Edited but not changed.	Usability	POLICY CHANGES!!! Text kept: “A single or two-family residential structure may be altered and the conforming use extended throughout the altered portion provided that the	

					<p>resultant alteration does not increase the nonconforming nature of the structure.”</p> <p>Text REMOVED:</p> <p>An alteration that is completely within the existing foundation walls shall be deemed not to increase the nonconforming nature of the structure.</p> <p>Does this now leave the decision as to what increases the nonconforming nature of the structure up to the Building Inspector? Could building outside the footprint now be deemed not to increase the nonconforming nature?</p> <p>Text REMOVED:</p> <p>ART. 10, ATM 4/09</p> <p>The extension of an exterior wall of a single or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the special permit granting authority that the</p>
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					<p>extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. In making such a finding, the special permit granting authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.</p> <p>TM enacted this less than 10 years ago to address the concerns of the Planning Director that the Building Inspector was being overly generous in allowing non- conformities to be extended. This is a significant POLICY CHANGE.</p>
9.03	Residential lot of Record		Removed.	Statutory	<p>Text REMOVED: ART. 74, ATM 3/85</p> <p>Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it has a minimum area of five thousand (5,000) square feet, with a minimum front footage of fifty (50) feet, and is otherwise in accordance with the provisions of the fourth paragraph of Section 6 of the</p>

					Zoning Act. Removal might be OK since the language refers back to and largely mimics the Zoning Act. Note, however, the related Section 6.06a (current bylaw) is relaxed in the new bylaw Section 5.4.2(B)(1), making it easier to do teardowns on lots of 5000-6000 square feet. Revised bylaw removes the requirement that non-conforming lot be vacant.
9.04	Reduction or Increase	8.1.6	More detail, better explanation	Usability	
9.05	Change	8.1.3			9.05 content is not in the new section 8.1.3 but looks to be incorporated elsewhere (e.g., 8.1.2)
9.06	Restoration	8.1.7(A)	Unchanged	Usability	
9.07	Abandonment	8.1.7(B)	Unchanged	Usability	POLICY CHANGE!!! Current Text: Section 9.07 - Abandonment ART. 72, ATM 3/77 Any nonconforming use of a conforming structure and lot which has been abandoned for a continuous period of two (2) years or more shall not be used again except for a conforming use. For agriculture, horticulture or floriculture, the

					<p>abandonment period shall be five (5) years.</p> <p>Revised Text in New Bylaw: Any nonconforming use or structure which has been abandoned, demolished without reconstruction, or not used for a period of two years, shall lose its protected status and be subject to all provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.</p> <p>Note expansion of scope to include structures and not just uses as in original. Also gives the ZBA significant, new powers to override the 2-year abandonment period thus allowing abandoned uses (and even abandoned or torn-down non-conforming structures) from years ago to be resurrected</p>
9.08	Moving	8.1.4(D)	More detailed, meaning unchanged.	Usability	
9.09	Unsafe Structure	8.1.5(E)	Better explained.	Usability	Current Section 9.09 is now 8.1.4(E) (not 8.1.5(E)), and is repeated with

				ility	the same language except for references to other sections as Section 8.1.5.
9.1	Special Permit Uses: Repair, Reconstruction, Extension, Addition	8.1.5	Unchanged.	Usability	<p>POLICY CHANGE!!!</p> <p>See note above. Current Section 9.10 is NOT new section 8.1.5. It appears the current Section 9.10 has been deleted.</p> <p>Text REMOVED:</p> <p>Section 9.10 - Special Permit Uses: Repair, Reconstruction, Extension, Addition.</p> <p>ART. 102, ATM 3/83</p> <p>Special permit uses are a special class of uses not existing as of right. Except as hereinafter provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 5.04, and Section 11.06 when applicable, if such activity were to commence as a new use thereon, then any reconstruction, alteration, addition or extension of such use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued therefore, except when or for:</p> <p>1. A damaged or unsafe structure occupied by a use under previously granted special permit(s) may be repaired or reconstructed for such use in accordance with the same</p>

					<p>terms and conditions, if any, attached to such permit(s).</p> <p>2. A damaged or unsafe structure occupied by a use not under previously granted special permit(s) may be repaired or reconstructed for such use without such permit(s) provided that the cost of such repair or construction does not exceed fifty (50%) percent of the physical replacement value of the previously existing structure(s).</p> <p>3. Interior renovations are done without any addition to the gross floor area of the existing structure(s). ART. 3, ATM 4/89</p> <p>4. Reconstruction, alteration, or additions to a structure occupied by a use under previously granted special permit(s) for such activity provided that the addition does not exceed the lesser of 500 square feet or twenty-five (25%) percent of the gross floor area in existing structure(s) and that no such activity violates any condition(s) attached to such permit(s).</p> <p>None of the foregoing exceptions shall exempt any construction undertaken thereunder from compliance with all dimensional, density, parking, landscaping or other provisions of this bylaw.</p>
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10.01	Administrative Official	3.1(A)	Added state law reference here and strengthened	Usability	No significant change
10.02	Permit Required	3.1(B)	Kept only first sentence – not sure where application procedure and submittals went	Usability, allows for changes easily	POLICY CHANGE!!! Deleted change of “lot coverage” from that are prohibited without applying for a permit ; Deleted application procedures

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
10.03	Previously Approved Permits	8.1.2(B)	In obscure place in bylaw under off-street parking and loading requirements. Makes better sense here.	Usability and Consolidation of Requirements.	Deleted “as determined by Zoning Act Sect. 6” and completely changed language
10.04	Certificate of Occupancy Required	3.1(C)	Simplified, clarified and reorganized	Usability	Deleted “or any parcel of land” and “proposed use of <u>land</u> and building”; Deleted application procedures
10.05	Sign Permit Required		Moved to sign section	Usability	Where is sign section?

10.06	Permit and Certificate Fees		Removed.	Usability	
10.07	Permit Time Limits		Defined by Building Code.	Consistency with State Law	Where is this spelled out?
10.08	Notice of Violation	3.1.2	While wording is amended, the intent of the existing bylaw's section remains intact.	Usability	POLICY CHANGE!!! Inspector of Buildings is no longer required to inspect the property where a violation is alleged within 14 days of receiving a written complaint.
10.09	Prosecution of Violation	3.1.4	Take out any mention of cost; perhaps use same wording as 3.2.4	Usability	POLICY CHANGE!!! Deleted scheduled amounts of fines specified in the bylaw for non-criminal and criminal violations of the bylaw (after violator ignores warning to correct violations.)

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
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10.1	Board of Appeals	3.2, 3.1.3	New clarification of procedure citing state law; under powers added comprehensive permits for low or moderate housing.	Usability	Deleted appeals procedures; Added conditions for re-filing, requiring additional votes
10.11	Special Permits	3.3	Substantially the same – cited state law, easier to read	Usability	<p>Deleted language for conversion of use; Deleted site plan requirements (or are they in MGL and thus assumed?)</p> <p>For there really to be no change in meaning at all, the criteria from Section 3.3 should be referenced in new 5.4.2(B)(6), otherwise this appears to be a weakening of standards</p> <p>Section 10.11.b of the existing Bylaw concerning Special Permits states that: "The ZBA or the ARB shall also impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Bylaw,</p>

					<p>including but not limited to....." This "safeguard the neighborhood" phrase is stronger language than the proposed Section 3.3.4, which states that</p> <p>"Special permits may be granted with such reasonable conditions, safeguards, or limitations on time and use ... as the special permit granting authority may deem necessary to serve the purposes of this Bylaw." The new language seems watered down to me, and is an example of how summarized language, even with using similar words, can convey different meanings or emphases.</p>
10.12	Variances	3.2.2(D)	Not a separate part of the of the section; clearer by being added to the powers of the board	Usability	No significant change
11.01	Special Regulations General	5.2.2	Use Regulations Applicable in All Districts	Usability	No significant change

11.02	Environmental Performance	5.2.2	Use Regulations Applicable in All Districts	Usability	Less specific language re: hazards
11.03	Removal of Sand, Gravel, Quarry or Other Earth Materials	7.1	Unchanged.	N/A	No significant change
11.04	Floodplain District	5.7	Update references, to be consistent with local Wetlands Bylaw and State law.	Internal Consistency	Moved determination of floodplain district from Inspectional Services to Conservation Cmte; Deleted “mobile homes” from non-permitted uses; Deleted details about what is prohibited; Deleted submittal requirements, including site plans
11.05	Inland Wetland District	5.8	Eliminates references to marsh.	Internal Consistency	Deleted 11.05 (f) submittal procedures for permitting; Deleted mention of private septic systems; Deleted 11.05 (h, i, j, k) covering ZBA appeals procedure, occ. Permit, areas and yards regulations, exemptions

11.06	Environmental Design Review	3.4	Content unchanged.	Usability	Deleted “rehabilitation residence” from uses requiring environmental review; Added religious and educational structures on state land; Deleted submittal requirements
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Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
11.07	Filling of Any Water or Wet Area		Section eliminated. This is under the jurisdiction of the Conservation Commission.	Internal Consistency	
11.08	Affordable Housing Requirements	8.2	Very similar wording, some clarification/simplification.	Usability	No significant change
11.08(a)	Purpose	8.2.1	Essentially unchanged – changed “upgrading” town housing stock to “improvement of”	Usability	No significant change
11.08(b)	Application	8.2.2	Essentially unchanged – changed “projects” to “developments”. Removed term “phased or segmented developments” but includes its full definition.	Usability	No significant change
11.08(c)	Definitions	2	Definitions moved to a by-law definition section. There is no definition of “unit” or “residential unit” though both are used in this section.	Usability	No significant change

11.08(d)	Requirements	8.3.2	Removes “assisted living” from table of uses. Not subject to affordable housing requirements. Clarifies that the only applicable hardship is one that renders the development financially infeasible. Clarifies that the price of an Affordable Unit for this calculation is the maximum affordable price.	Internal consistency	No significant change
11.08(e)	Incentive		Removes dormitories from the single room occupancy definition and incentive. Clarifies the incentive language for parking reduction. Parking incentives apply only to affordable units.	Usability, consistency	No significant change
Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose	Citizen Review Comments
11.08(f)	Administration		Clarification that rules are administrative. Removed specific reference to pro-rata formula. References the marketing plan. Removes affirmative requirement of legal review (though this may be to mirror actual practice).	Usability, consistency	No significant change
11.09	Medical Marijuana Bylaw				Not in 3 rd reading draft?

12.01	Amendment	1.5	Chapter 40A Section 5 specifies the manner in which municipalities may amend local zoning ordinances and bylaws. Since the procedures are already specified by state law, there's nothing for local bylaws to add.	Consolidation of Requirements	No significant change
12.02	Validity	1.6	This section is a severability clause. The recodified version attempts to be less wordy than the current bylaw; it simply states that "the invalidity of any section or provision shall not invalidate any other section or provision". The severability clause in the current ZBL appears to be trying to enumerate the types of sections and provisions.	Usability, Consolidation of Requirements	No significant change
12.03	Effective Date				

Continue to pg. 54 for Article 2, Definitions

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
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<p>Intro paragraphs: For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes</p> <p>Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by The Standard Industrial Classification Manual published by the U.S. Bureau of the Census.</p>	<p>Intro paragraphs: In this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place</p>	<p>Deleted explanation of uses in Table of Use Regulations</p>
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	shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Review Comments
Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.	Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.	No Change	
	Accessory Use: A use that is incidental and subordinate to, and customarily associated with, that of the primary structure or use of land and that is located on the same lot and under the same ownership.	New Definition	Unclear why this definition is needed or how it relates to the very similar "Use, Accessory" definition which remains unchanged in the revised bylaw.
	Adult Day Care: A facility providing non-residential social, supportive, or health services, dementia services, or any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.	New Definition	Odd that "Day Care" for children is not defined at all in the current bylaw or the proposed revision.

Adult Uses: All those uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.	Adult Uses: All uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.	"those" removed for conciseness	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Definition in Section 11.08 of Existing Bylaw: Affordable Units: Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.	Affordable Units: Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.	No Change
Definition in Section 11.08 of Existing Bylaw: Median Income: The income set forth in or calculated based on U.S. Department of Housing and Urban Development regulations, as amended.	Area Median Income: The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the U.S. Department of Housing and Urban Development (HUD).	Definition revised for clarification

Definition in Section 11.08 of Existing Bylaw: Eligible Household: For ownership units, a household whose total income does not exceed 80% of the Median Income of households in the Boston metropolitan area as defined by the U.S. Department of Housing and Urban Development adjusted for household size. For rental units, a household whose total income does not exceed 70% of the Median Income of households in the Boston metropolitan area as defined by the U.S. Department of Housing and Urban Development, adjusted for household size.	Eligible Household: For ownership units, a household whose total income does not exceed 80% of Area Median Income, adjusted for household size. For rental units, a household whose total income does not exceed 70% of Area Median Income, adjusted for household size.	Inserted "Area Medium Income" to replace longer definition of such within the definition
Definition in Section 11.08 of Existing Bylaw: Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development, and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program. Said amount is adjusted for unit size and an allowance for utility costs.	Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program, adjusted for unit size and with an allowance for utility costs.	Two sentences consolidated

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Alteration: Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.	Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.	No Change

ARB: The Arlington Redevelopment Board which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.	Arlington Redevelopment Board: The Arlington Redevelopment Board ("ARB") which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.	Term changed, Definition unchanged
Artisanal Fabrication: Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.	Artisanal Fabrication: Production of goods using hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.	"by the use of" changed to "using"
Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content & applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.	Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.	"&" changed to "and"

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Review Comments
Assisted Living: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance.	Assisted Living Residence: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.	Term changed, Definition unchanged	
	Athletic Facility, Indoor: A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities.	New Definition	
	Attic: An unfinished, non-habitable space immediately below the roof of a building, typically used for storage or mechanical equipment.	New Definition	"Attic" is currently used only in the definition of GFA and story. This definition makes

			the GFA definition more ambiguous and contradicts the story definition, which considers habitable attics.
	Auto Body Shop: A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.	New Definition	“repair, rebuilding, and reconditioning of engines” doesn’t belong in the definition of an auto body shop, especially when most of it is in the “Garage, Auto Repair” definition.

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Garage, Auto Repair: Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained, but not including body work or painting.	Auto Repair Shop: A facility for the general repair of automobiles, motorcycles or noncommercial trucks, including rebuilding, or reconditioning of engines, and the sale, installation, and servicing of equipment and parts.	Definition revised for clarification	

Service Station: A building or part thereof with no more than three service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments to parts or motor not involving removal of head, crankcase or racing motor.	Auto Service Station: A building, structure or land use primarily for the dispensing or sale of automotive fuels, oils or accessories, including lubrication or automobiles and replacement or installation of parts and accessories.	Definition revised for clarification	The new definition places no limits on the number of service bays, makes no mention of car washing.
Awning: A rooflike covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.	Awning: A roof-like covering stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.	"as of canvas" removed for conciseness	Unclear what the implications are for signage, as "awning" is used in the bylaw almost exclusively in the sign section. Does this mean more awnings and thus more signs?

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four (4) feet six (6) inches or more above the average finished grade.	Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building.	Definition of "Story" removed from this definition, remains as a separate definition	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
<p>Bed and Breakfast: A dwelling in which lodging units are rented and breakfast is served to the people occupying the lodging units, and which has a resident owner or manager.</p> <p>Bed and Breakfast Home: A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent.</p>	<p>Bed and Breakfast: A dwelling with a resident owner or manager in which lodging units are rented and breakfast is served to the people occupying the lodging units.</p>	Two similar definitions consolidated	

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.	Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.	No Change	
Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building, or on an adjacent lot in the same ownership.	Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building or an adjacent lot in the same ownership.	No Change	
Building Area: The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.	Building Area: The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.	No Change	
Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.	Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.	No Change	
Building Coverage: The building area expressed as a percent of the total lot area.	Building Coverage: The building area expressed as a percentage of the total lot area.	"percent" changed to "percentage"	Definition of "lot coverage" is needed. It is far more important than building coverage.

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Building, Detached: A building having open space on all sides.	Building, Detached: A building with no structural connection to another building.	Definition changed to align with definition of "Building, Attached"	It is still not aligned. Should be "...building having no portion of any wall in common..." without reference to "structural".
	Building, Front Building Line: A line drawn parallel to the front boundary of a lot along the front face of a building or through the point on a building closest to the front boundary.	New Definition	Ambiguous. What constitutes the "front face"? Porch, wall, bay window?
Height of Building: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. In the R0, R1 and R2 zoning districts where the lot has a slope in excess of five (5) percent, the height is the vertical distance of the highest point of the roof above the average finished grade of the ground adjoining the building as computed before the building is actually erected. This definition excludes penthouses, bulkheads, and other allowable superstructures above the roof line.	Building Height: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. Refer to Sections 5.3.19 and 5.4.2.B(5) for detailed exceptions.	Exceptions to basic definition relocated to regulatory section of bylaw	Exceptions are really just the last sentence. R0-R2 sloped lots have a different definition, which belongs with the rest of the definition.

Building, Setback Line: The line established by this Bylaw, beyond which a building shall not extend, except as specifically provided by this Bylaw.	Building, Setback Line: The line beyond which a building shall not extend, except as specifically provided by this Bylaw.	"established by this Bylaw" removed as redundant, appears later in same definition	
Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.	Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.	No Change	
Building, Principal: A building in which is conducted the principal use of the lot on which it is located.	Building, Principal: A building in which is conducted the principal use of the lot on which it is located.	No Change	

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.	Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)	Added reference to definition for "Nonconformance"	

	Business or Professional Office: A building or portion of a building used to provide direct services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term “business or professional office” shall not include medical office for a physician, dentist, or other health care professionals. (See “Medical Office”.)	New Definition	This term is in the index, but nowhere else in the revised bylaw. It is not in the definitions.
Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.	Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.	No Change	
Catering Service: Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site. Catering: Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location.	Catering Service: Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.	Two similar definitions consolidated	This doesn’t make any sense. The original terms define different uses, which are listed as separate lines in the table of use regulations. Now there is one definition, but still two lines in the table of use regulations, which conflict with each other.

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.	Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building.	Definition of "Story" removed from this definition, remains as a separate definition	
Certificate of Occupancy: A statement signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.	Certificate of Occupancy: A statement under the State Building Code signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.	"under the State Building Code" added to reference relevant code	

	<p>Child Care Center: A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L. c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).</p>	New Definition	Unclear why this definition is added when the term is not used anywhere in the revised bylaw.
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
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Commercial Vehicle: Any truck, including but not limited to stepvans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.	Commercial Vehicle: Any truck, including but not limited to step vans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.	No Change
Common Land: A parcel or parcels of open space within the site designated for a planned unit development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.	Common Land: A parcel or parcels of outdoor space in a Planned Unit Development, maintained and preserved for outdoor uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.	"within the site designated for" replaced by "in" for conciseness; "open" changed to "outdoor" for clarification

Conservation Land: A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.	Conservation Land: A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.	No Change
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
	Consumer Service Establishment: Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, or small appliance repair.	New Definition	OK, but note POLICY CHANGES in Table 5.5.3 related to such establishments in B1 and B2.
Court: An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.	Court: An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.	No Change	
Court, Inner: A court surrounded on all sides by the exterior walls of a structure.	Court, Inner: A court surrounded on all sides by the exterior walls of a structure.	No Change	
Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.	Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.	No Change	
	Deck: A roofless outdoor space built as an aboveground platform projecting from the wall of a building and connected by structural supports at grade or adjacent to the building structure.	New Definition	Unclear why this is needed, as it only appears in the definition of "Open Space" which alone is not used for anything.

District: A zoning district as established by Article 3 of this Bylaw.	District: A zoning district as established by Section 4 of this Bylaw.	Revised section reference	
Driveway: An open space, which may be paved located on a lot, which is not more than twenty (20) feet in width built for access to a garage, or off-street parking or loading space.	Driveway: An area on a lot, not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.	"An open space, which may be paved located on a lot, which is" replaced with "An area on a lot" for conciseness	Would this allow a covered driveway?
Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, mobile home, or dormitory.	Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "single-family," "two-family," "duplex", "three-family" or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, or mobile home.	Individual terms changed to comport with similar terms in revised document, including replacing onefamily with single-family and addition of duplex and motel	

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Dwelling Unit: One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.	Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.	Definition edited for conciseness	Unclear what "separated portion" has to do with a single family home and why "cooking" (i.e., kitchen) is dropped.

Apartment House: A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.	Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.	"building" changed to "multi-family building" and "families" changed to "households" for conciseness	OK, but the tables and index still refer to "apartment house" which now is not defined.
Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semipermanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.	Dormitory : A dwelling under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.	"semi-permanent" hyphenated	
Duplex House: A building containing two dwelling units joined side by side, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one (1) principal building occupying one (1) lot for the purpose of determining yard requirements.	Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.	Term changed to align with similar definitions, "or front to back" added for consistency, numbers reformatted	Makes no sense to change "duplex house" to "duplex dwelling" when "duplex house" continues to be used throughout the bylaw—and it is the house that is duplexed not the dwelling.
	Multi-Family Dwelling: A building containing four or more dwelling units.	New Definition	Not needed; leave as is—multi-family house or home.

	Single-Family Dwelling: A building containing only one dwelling unit.	New Definition	Not needed; leave as is—single-family house or home.
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Boarding House; Boarding Home: A house in which a regular service of meals is furnished for persons for remuneration. Rooming or Lodging House: A building containing four or more lodging units. Lodging Unit: One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, bed and breakfasts, bed and breakfast homes, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.	Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term "single-room occupancy building" shall not include apartment buildings, hotels/motels, nursing homes, dormitories, or assisted living residences	Three similar definitions consolidated	
Three-Family Dwelling: A house containing three (3) dwelling units.	Three-Family Dwelling: A building containing three dwelling units.	"house" changed to "building" for consistency, numbers reformatted	No. A mixed use building of retail plus 3 dwelling units is not the same as a house

			with three dwelling units.
Town House Structure: A row of at least three (3) onefamily attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.	Townhouse Structure: A row of at least three singlefamily attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.	Definition edited for conciseness	
Two-Family Dwelling: A house containing two (2) dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. (See Duplex House.)	Two-Family Dwelling: A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.	"house" changed to "building" for consistency, numbers reformatted	No. A mixed use building of retail plus 2 dwelling units is not the same as a house with two dwelling units.
	Enclosed Entrance (or Vestibule): Anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or leading into a larger space in a nonresidential building such as an entrance hall or interior common area.	New Definition	Unclear why this includes rooms often thought of as interior (maybe not even with a door to outside).

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged and moved.	Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.	No Change

<p>Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.</p>	<p>Essential Services: Services provided by a public utility or governmental agency through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.</p>	<p>Plural corrected, two sentences consolidated</p>
<p>Family: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three (3) lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a family. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a single family.</p>	<p>Family or Household: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a household.</p>	<p>"Household" added, numbers reformatted, two sentences consolidated, added reference to new "Group Home" definition. Compliance with Fair Housing laws.</p>

	Farm (or Agriculture): As defined in G.L. c. 128, § 1A.	New Definition
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
<p>Definition in Section 11.04 of Existing Bylaw: The Floodplain District is superimposed over any other district established by this Bylaw. The 100-year floodplain is defined as the relatively flat lowland which adjoins a watercourse or other body of water and which is subject to seasonal or periodic flooding by the watercourse or water body at a storm frequency of 100 years. Specifically, the Floodplain District includes those areas along the Mill Brook, Alewife Brook, Mystic River, Spy Pond, Arlington Reservoir, and Mystic Lakes which are in the 100-year floodplain as established on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the 100-year floodplain shown on the Middlesex County FIRMs (panel numbers 25017C0412E, 25017C0416E,</p>	<p>Flood Map: A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.</p>	<p>Definition extracted from the definition of floodplain district, updated for current practice</p>	<p>Unclear why this definition was added when the term is not used anywhere in the revised bylaw.</p>

<p>25017C0417E, 25017C0418E, and 25017C0419E), dated June 4, 2010, and further defined by the Middlesex County Flood Insurance Report (FIS), dated June 4, 2010. The FIRMs and FIS Report are incorporated herein by reference and are on file with the Town Clerk, Arlington Redevelopment Board, Director of Inspections, and Conservation Commission.</p>			
<p>Floodline: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer, qualified in drainage.</p>	<p>Floodline: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer qualified in drainage.</p>	<p>Comma removed</p>	

Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.	Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.	No Change	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.	Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.	No Change	
	Funeral Home: A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.	New Definition	Unclear what implications, if any, the inclusion of "chapel" has.
Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.	Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.	No Change	

Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.	Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.	No Change	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
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<p>Gross Floor Area: The sum of the gross horizontal areas of all the floors of a principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two (2) buildings, including:</p> <ol style="list-style-type: none"> elevator shafts and stairwells on each floor; that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (4), below; interior mezzanines, and penthouses; basements except as excluded in (2), below; and cellars in residential use; all weather habitable porches and balconies; and parking garages except as excluded in (1), below; but excluding: <ol style="list-style-type: none"> areas used for accessory parking garages, or offstreet loading purposes; that part of basements devoted exclusively to mechanical uses accessory to the operation of the building; open or lattice enclosed exterior fire escapes; attic space and other areas for elevator machinery or mechanical 	<p>Gross Floor Area: The sum of the horizontal areas of the several stories of a building or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall.</p> <p>Refer to Section 5.3 for formula.</p>	<p>Formula for computing Gross Floor Area moved to regulatory section of Bylaw</p>	<p>Not clear why “all the floors” changed to “the several stories”.</p> <p>More importantly, the list of what is and is not to be counted in gross floor area (as listed in the original definition) does not seem to be in Section 5.3 or anywhere else in the revised bylaw.</p> <p>Does this mean the entire floor area of each story is to be counted?</p>
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equipment accessory to the operation of the building; and 5. porches and balconies.			
Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height.	Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed 20 feet in height.	Number reformatted	

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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Rehabilitation Residence: For the purposes of this Bylaw, a building licensed or operated by the Commonwealth of Massachusetts as a Group Residence to provide residential care of alcoholic, drug or mental patients.	Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.	Definition updated to align with current state law	
Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.	Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.	No Change	

<p>Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there is to be no retail sale of merchandise on the premises. Such use shall be carried on by the occupants of the dwelling unit in compliance with the provisions of Section 5.05 and shall not in any manner change the residential character of the building.</p> <p>Home occupations do not include such uses as barber shops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.</p>	<p>Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include retail sale of merchandise on the premises nor alter the residential character of the lot or building.</p>	<p>Definition edited for conciseness</p>	<p>POLICY CHANGE!!!</p> <p>Currently prohibited uses, such as barber shops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time, could now be considered to be home occupations.</p>
<p>Hospital: An institution certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or outpatient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.</p>	<p>Hospital: An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.</p>	<p>Definition updated to align with current state law</p>	

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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.	Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.	No Change	
Hotel: A building or any part of a building containing rooming units without individual cooking facilities except for coffee makers, cook plates, and microwave ovens for transient occupancy and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.	Hotel/ Motel: A building in which lodging is offered for compensation, with or without associated amenities.	Definition edited for conciseness, added word: motel	Temporary nature of hotel lodging has been lost in the new definition as have been the exclusions.
Inspector of Buildings: Inspector of Buildings, Arlington, Massachusetts.	Inspector of Buildings: Inspector of Buildings, ("Building Inspector") Arlington,	Added correct title	

	Massachusetts.		
Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.	Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.	No Change	
Junk Yard: The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.	Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.	Number reformatted	
Loading Space: An off-street space at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than one thousand three hundred (1,300) square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Inspector of Buildings to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.	Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.	Regulatory part of definition moved to regulatory section of Bylaw	

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
<p>Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds. A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership.</p>	<p>Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.</p>	<p>Definition edited for conciseness</p>
<p>Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than one hundred thirty-five (135) degrees.</p>	<p>Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.</p>	<p>Number reformatted</p>
<p>Lot, Interior: A lot, the side lines of which do not abut on a street.</p>	<p>Lot, Interior: A lot, the side lines of which do not abut on a street.</p>	<p>No Change</p>
<p>Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad rightof-way shall be deemed to be a street right-of-way.</p>	<p>Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-ofway.</p>	<p>No Change</p>

Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.	Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.	No Change
Lot Line, Side: Any lot line not a front or rear lot line.	Lot Line, Side: Any lot line not a front or rear lot line.	No Change

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.	Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw. (See also Nonconformance)	Added reference to definition for "Nonconformance"	
Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.	Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.	No Change	

	Manufacturing, Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.	New Definition	POLICY CHANGE!!! Current table of use regulations has a “light non- nuisance manufacturing” use (7.09) with “non-nuisance” explicitly described. New bylaw replaces it with this definition.
Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.	Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.	No Change	
	Medical Office or Clinic: A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. “Medical office or clinic” shall not include a hospital.	New Definition	

Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes”	Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.	No Change	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.	Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.	No Change	
Mixed Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.	Mixed Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.	No Change	

	<p>Nonconformance: A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.</p>	New Definition	
<p>Office: A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts his professional business.</p>	<p>Office: A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts a professional business.</p>	No Change	
<p>Open Space: A yard including sidewalks, swimming pools, terraced areas, patios, playcourts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.</p>	<p>Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.</p>	"decks" added, patios removed	<p>Unclear why patios removed and decks added.</p> <p>Since the bylaw regulates "usable" and "landscaped" open space, but not "open space" as such, it is not clear whether this change means anything.</p>

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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.	Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.	No Change

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than eight (8) percent and (2) no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet.	Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75% of the area has a grade of less than 8%, and (2) no horizontal dimension is less than 25 feet. For newly constructed single-, twofamily, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet.	Number reformatted
Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.	Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.	No Change
Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.	Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.	No Change

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Article 8.	Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6.	Section reference updated	
Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than twelve (12) feet above the roof and occupying not more than thirty-three and one-third (33-1/3)percent of the roof area.	Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than 331/3% of the roof area.	Number reformatted	
	Personal Service Establishment: Retail establishments primarily engaged in providing individual services generally related to personal needs such as but not limited to a barber shop, hair salon, nail salon, dropoff/pick-up dry cleaning business or self-serve laundry, tailor, or shoe repair shop.	New Definition	
	Phased Development: A development on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the development.	Term shortened, no change in definition	

Planned Development: A development involving the construction of two or more principal buildings on the same lot for any permitted use.	Planned Unit Development: A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate one or more land uses.	Definition expanded to clarify intent	
	Porch: A covered area projecting from and structurally connected to a building.	New Definition	Unclear why this was added. Also ambiguous since in the 3 other places “porch” is used in the revised bylaw it is always qualified as “unroofed” or “unenclosed.”

ARTICLE 2: Existing Zoning Bylaw Definition**SECTION 2. Proposed Zoning Bylaw Definition****Amendment Summary**

<p>Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:</p> <p>a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.</p> <p>b. Pick-Up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.</p> <p>c. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.</p> <p>d. Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.</p> <p>e. Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.</p>	<p>Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:</p> <p>a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.</p> <p>b. Pick-Up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.</p> <p>c. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.</p> <p>d. Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellant material, designed to be mounted on wheels to be used as a temporary dwelling.</p> <p>e. Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.</p>	<p>Number reformatted</p>
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Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.	Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.	No Change
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Research and Development Activities: Establishments used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or	Research and Development: An establishment used primarily for research, development, or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication,	Term shortened, made singular for consistency	

specialized machinery and devices integral to research or testing may be associated with these uses.	and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.		
Restaurant: An establishment where the principal activity is the service or sale of food or drink for onpremises consumption.	Restaurant: An establishment where the principal activity is the service or sale of food or drink for onpremises consumption.	No Change	
Drive-In Food Service Establishment: A fast-order food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles and any fast-order food establishment which provides a greater number of parking spaces than is required by the Zoning Bylaw.	Restaurant, Drive-In Food Service: A fast-order food service establishment that provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.	Term changed, Definition unchanged	
Fast-Order Food Establishment: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a	Restaurant, Fast-Order Food: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a	Term changed, Definition unchanged	

short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.	short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.		
	Right-of-Way: The line determining the public limit or ownership on a street or highway.	New Definition	Unclear what implications this definition may have for private ways (it seems to apply only to public land) and associated dimensional requirements set in relation to the right-of-way.

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded by Section 6.19.	Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded in Section 5.	Section reference updated	

Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.	Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.	No Change	
	Shed: A small accessory structure used for the storage of tools or equipment.		New definition, doesn't seem to be used anywhere. Also, references to dimensional requirements for doghouses, toolsheds, etc. <80 sq. ft. do not appear to be in the revised bylaw.

<p>Sign: Any permanent structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction. This definition shall include signs located within a window when illuminated. Marquees, canopies, clocks, thermometers and calendars shall be subject to the provisions when used in conjunction with signs as defined above. A sign shall be painted, posted or otherwise securely affixed to a substantial intermediate removable surface and, except for freestanding signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the</p>	<p>Sign: Any structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, including illuminated signs within a window. Awnings, marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of Section 6.2.</p>	<p>Regulatory part of definition moved to regulatory section of Bylaw</p>	<p>Section 6.2 does not appear to include the detail at the end of the definition that was cut out.</p> <p>Confirm by reviewing the sign section of the revised bylaw.</p>
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building shall be subject to the approval of the Building			
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Inspector for the purpose of protecting the safety of the public.		
ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.	Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.	No Change

Sign Area, Area of a Sign, Signage: The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.	Sign Area, Area of a Sign, Signage: The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.	No Change
Sign, Awning: A sign applied directly to or incorporated as part of an awning.	Sign, Awning: A sign applied directly to or incorporated as part of an awning.	No Change
Sign, Brackett: A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.	Sign, Bracket: A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.	Spelling corrected
Sign Canopy: Rooflike covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.	Sign Canopy: Roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.	No Change
Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.	Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.	No Change

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Sign, Freestanding: A sign not a part of or attached to any building but generally located elsewhere on a lot.	Sign, Freestanding: A sign not a part of or attached to any building but generally located elsewhere on a lot.	No Change
Sign, Ground: A free-standing sign located on or close to the ground, the top of which shall not be higher than four (4) feet above the ground.	Sign, Ground: A free-standing sign located on or close to the ground, the top of which shall not be higher than 4 feet above the ground.	Number reformatted
Sign, Permanent: Any sign as defined above, intended to be erected and maintained for more than sixty (60) days.	Sign, Permanent: Any sign as defined above, intended to be erected and maintained for more than 60 days.	Number reformatted
Sign, Portable: A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.	Sign, Portable: A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.	No Change
Sign, Projecting: Any sign which is attached to a building or other structure and any part of which projects more than twelve (12) inches from the wall surface of that portion of the building or structure in front of which the sign is positioned	Sign, Projecting: Any sign which is attached to a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned	Number reformatted
Sign, Roof: Any sign erected, constructed and maintained upon or over the roof of any building.	Sign, Roof: Any sign erected, constructed and maintained upon or over the roof of any building.	No Change
Sign, Standing or Pole: A free-standing sign not exceeding fifteen (15) feet in height with eight (8) feet of clearance under the sign area and erected upon supporting devices or stands.	Sign, Standing or Pole: A free-standing sign not exceeding 15 feet in height with 8 feet of clearance under the sign area and erected upon supporting devices or stands.	Number reformatted

Sign, Temporary: Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed sixty (60) days.	Sign, Temporary: Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed 60 days.	Number reformatted
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Sign, Wall: A sign not exceeding four (4) feet in height securely affixed to a wall projecting no more than twelve (12) inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.	Sign, Wall: A sign not exceeding 4 feet in height securely affixed to a wall projecting no more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: 25 feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.	Number reformatted
Sign, Primary Wall: A sign on the building face fronting on a street or parking lot frontage.	Sign, Primary Wall: A sign on the building face fronting on a street or parking lot frontage.	No Change

Sign, Secondary Wall: A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed fifty (50) percent of the maximum possible area of the primary wall sign.	Sign, Secondary Wall: A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed 50% of the maximum possible area of the primary wall sign.	Number reformatted
Signs, Window: Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25 % of the area visible from the exterior of the building.	Signs, Window: Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25% of the area visible from the exterior of the building.	Number reformatted
Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.	Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.	No Change

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary	Citizen Review Comments
Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Board and in accordance with provisions of Article 10.	Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, and in accordance with provisions of Section	SPGA corrected, section reference updated	

	3 of this Bylaw.		
Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 11.06 of the Zoning Bylaw, the Arlington Redevelopment Board.	Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this Bylaw, the Arlington Redevelopment Board.	Section reference updated	
Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four (4) feet six (6) inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.	Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed a story when its ceiling is 4 feet 6 inches or more above the finished grade. A cellar shall not be deemed a story. An attic shall not be deemed a story if unfinished and not used for human occupancy.	No Change	
Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area has a clear height of seven feet three inches or more.	Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet 3 inches or more.	Method of measurement clarified	Height measurement point is changed from finished ceiling to roof rafters. Explanation needed as to why.

Street: A public or private way which is 27 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.	Street: A public or private way which is 27 feet or more in right-of-way width, accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.	Word order changed	
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ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, or the like.	Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, bin, fence, sign, shed, or the like.	Items in list corrected to all be singular, wharf deleted
	Tract: A unit or contiguous units of land under single ownership or control.	New Definition
Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building	Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable because its wheels have been removed or skirts have been attached, shall	Definition edited for conciseness

for the purposes of this Bylaw.	not be considered a building in this Bylaw.	
Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.	Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.	No Change
Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.	Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.	No Change
Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.	Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)	Added reference to definition for "Nonconformance"
Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Bylaw.	Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied, or maintained under this Bylaw.	No Change

ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
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Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.	Use, Substantially Different: A use which because of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment, or similar characteristics from the use to which it is being compared.	Definition edited for conciseness
Variance: Such departure from the terms of this Bylaw as the ZBA, upon appeal in specific cases, is empowered to authorize under the terms of Article 10.	Variance: A departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and G.L. c. 40A, § 10.	Definition edited for conciseness
Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for the purpose of providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.	Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and backup power equipment or generators.	Definition edited for conciseness
Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall or building part not specifically excluded by Section 6.19 and a lot line. Structures which are below the finished lot grade, including shelters for nuclear fallout shall not be deemed to occupy required yards.	Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards.	Definition edited for conciseness

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.	Yard , Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.	No Change
Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.	Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.	No Change
ARTICLE 2: Existing Zoning Bylaw Definition	SECTION 2. Proposed Zoning Bylaw Definition	Amendment Summary
Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.	Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.	No Change
ZBA: The Zoning Board of Appeals of the Town of Arlington, Massachusetts.	Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Arlington, Massachusetts ("Board of Appeals" or "ZBA").	Term changed, alternate terms added

From: Jenny Raitt
To: aquinn@town.arlington.ma.us
Subject: Fwd: citizen comment on recodification document
Date: Wednesday, January 10, 2018 9:29:07 AM

Jennifer Raitt
Director, Planning and Community Development
Town of Arlington
781-316-3092

Begin forwarded message:

From: JO ANNE PRESTON <ja-preston@comcast.net>
Date: January 10, 2018 at 3:41:16 AM EST
To: jraitt@town.arlington.ma.us
Subject: Fwd: citizen comment on recodification document
Reply-To: JO ANNE PRESTON <ja-preston@comcast.net>

Dear Jenny,

I am sending you my comments for your consideration. Thank you for taking the time to answer my questions yesterday.

It is from the horrific experience with a developers that convinces me that moving many parts of the zoning bylaw from the authority of the elected representatives to "administration" would be a major step backward for Arlington.

Jo Anne

----- Original Message -----

From: JO ANNE PRESTON <ja-preston@comcast.net>
To: zba@town.arlington.ma.us
Date: January 10, 2018 at 3:33 AM
Subject: citizen comment on recodification document

Dear members of the Zoning Board of Appeals,

I was unexpectedly unable to attend the Monday meeting and ask you to delay the Special Town meeting vote.

I am emailing you my remarks for your consideration.

I am Jo Anne Preston, member of the Webcowet Neighborhood Preservation Group.

I would like to ask the ARB to delay voting this Zoning Recodification proposed Bylaw until a final document is available for town-wide discussion and consideration.

I have been attending meetings regarding this document since last summer and have read all the revisions.

- It is clear to me and many others that the byLaw is still in rough form and needs considerable editing and rewriting. How can you vote on some important bylaw without having a final version and once released to you having time to carefully read it?
- I object to the many sections of the current Bylaw which relegate important policy issues to “administration” taking them away from the authority of the elective representatives of Town Meeting.
- It is from the experience of the residents of the Webcowet neighborhood, trying to contain the illegal actions of a rogue developer, that convince me that taking more authority over development from elected representatives is a mistake. No administrative agency or person responded to our concerns except the town manager’s office. However, both times the intervention from the town manger’s office were violated by the developer, leaving us totally powerless. One example, of a policy change is the section 3.1.4 stipulating a monetary penalty for violations. The December 12 version eliminates any specific monetary penalty. I was told that this determination would be made by "administration," not town meeting.

Hope remained that concerned residents could call on their elected Town Meeting representatives but now we see important areas of their authority over development leaving by the back door.

Going forward, taking away powers from Town Meeting is a policy issue that needs considerable open detailed discussion over time, and should not be part of an effort to just update and revise.




**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Arlington Redevelopment Board;
Jennifer Raitt, Planning Director

Cc: Adam Chapdelaine, Town Manager;
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel 

Date: January 3, 2018

Re: Zoning Recodification Proposal for Special Town Meeting

Members of the Arlington Redevelopment Board, in your capacity as Arlington's Planning Board, I write to provide a brief memorandum to discuss the Zoning Recodification Proposal before you for consideration. In sum, it is my opinion that the proposal before you represents a significant improvement to our current Zoning Bylaw without departing Arlington's past and present zoning philosophy. The proposal makes significant changes to the format, diction, and presentation of our zoning ordinance. However, it does not make meaningful alterations to the substantive parameters of what is permitted, not permitted, or requires special permits, variances, etc., except where a bylaw provision is in clear conflict with State Law *and* rectifying such conflict would not require the development of a new zoning policy. Accordingly,

the Proposal presents a more accessible and adaptable version of the rules that have governed Arlington's residential, commercial, and industrial development and redevelopment for the past 40 years.

History and Scope of Present Recodification

Arlington's first independent zoning bylaw was adopted on May 15, 1924, consisting of one very dense page of regulations and a zoning map aimed at balancing Arlington's historic nature, character, and quality of life with the opportunities presented as an attractive residential and commercial town close to Boston. The original "By-law," (annexed hereto as Attachment "A") contained five (5) zoning districts (compared to 17 in the 1975 Bylaw with two (2) overlay districts) with distinct allowed uses and other regulations. Thereafter, the Zoning Bylaw was modified, and in some instances recodified, at least eighteen (18) times before our present Bylaw was adopted on October 8, 1975. Arlington has added to, subtracted from, and modified the 1975 model through various amendments in sometimes expansive and sometimes piecemeal fashion ever since.

For much of our history, the Zoning Bylaw was relatively simple. Even the October 15, 1954 Zoning Bylaw still consisted of only 14 pages, including the cover and table of contents. (See Attachment "B" annexed hereto for your reference). A more complete history can be found in Attachment "C," excerpts from the 1995 Arlington Business Community Study Final Report, which summarizes Arlington's changing zoning bylaws to meet changing needs. However, overall, as zoning law and practical issues in community planning and development became more complex, the Bylaw naturally expanded. With such expansion also came attempts to restate and change the presentation of zoning ordinances in increasingly technical terms. Moreover,

additional provisions were added to a framework as best as could be managed, but not optimally organized given the challenge of building upon one document over 40 years.

To my understanding, the goal of this most recent recodification has been to render our existing regulations more user friendly to the general public, adaptable to future amendments, and harmonious with current State Law zoning laws without making meaningful policy choices; and further to correct and/or eliminate internal inconsistencies and redundancies. In my opinion, the proposal before the Board achieves those goals.

The detailed summary of changes prepared for your review, the "Guide to Arlington Zoning Recodification," offers a summary of each amendment and its purpose, the overwhelming majority of which are driven by usability. As such, allow me to highlight a few examples of non-controversial changes which would make our Bylaw consistent with black letter law. Provisions of our current bylaw in §5.04 require a special permit for both "Church, place of worship or other religious purpose" (2.05 in the Table of Uses) and "Educational purpose..." (2.07) were removed because they are in unequivocal conflict with G.L. c. 40A §3 (the Dover Amendment), which states "'No zoning ordinance or by-law shall regulate or restrict... the use of land or structures for religious purposes or for educational purpose on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation.'"¹ Simply put, a base special permit requirement for houses of worship and schools is contrary to c. 40A §3. There may be future choices to me made about regulations of appurtenant uses by religious and educational

¹§30A continues by noting that *some* regulation of religious and/or educational uses are permissible, but Courts have well established that "towns may not, through the guise of regulating bulk and dimensional requirements under the use exemption permitted an educational [or religious] institution. *The Bible Speaks v. Bd. of Appeals of Lenox*, 8 Mass. App. Ct. 19, 31(1979)(citing *Sisters of the Holy Cross v. Brookline*, 347 Mass. 486, 494 (1964)).

institutions, but there is no meaningful policy choice in removing an unenforceable and illegal provision. Similarly, amendments to our current §9.01 further detail the processes and requirements of nonconformance matters with G.L. c. 40A §6.

In contrast, the intentionally restrained modernization of language and organization leaves some essential changes and important issues to be examined in future work because the only options to render them more harmonious with relevant laws require substantive policy decisions. I will touch briefly upon some of those matters below, but for your present consideration, permit me to stress that the scope of the community's discussions and the proposed changes before you fit firmly within precedent.

Over the Zoning Bylaw's nearly 100 year history, each version of the bylaw reflected the immediate and anticipated needs, concerns, and issues of its respective time. While consistency in zoning is of obvious importance, there is nothing immutable about the presentation of our regulatory controls. So long as changes permissible within the wider scheme of G.L. c. 40A² (which itself has changed in meaningful ways over the last 40 years) the ARB and Town Meeting can and should ensure that the Zoning Bylaw is an accessible, up-to-date set of regulations tailored to our immediate and reasonably anticipated circumstances.

² Along with other germane state and federal laws and regulations.

Process

The proposal before you is the product of a more than a year-long process. First, the Zoning Recodification Working Group met in the summer of 2016 for among other reasons, to develop an RFP for a recodification consultant.³ Then, the Working Group worked together with the Planning and Community Development Department and our retained consultants (RKG Associates, Inc.⁴) to develop drafts of a revamped Zoning Bylaw. The Working Group, Planning Department, and RKG Associates received and responded to input from additional interested residents and community stakeholders for the past six months. A first reading draft was produced in June of 2017, followed by a second in July. Two public forums were held by the Working Group; one in July and a second in October, while a series of open houses were hosted on October 19, November 2, and November 9, 2017, informed by the October 11, 2017 “Guide to Arlington Zoning Recodification,” which provided section-by-section analysis of proposed changes. Such analysis was revised on December 14, 2017 and December 18, 2017 after corrections to the Second Draft were made.

³ The Working Group consists of ARB Member, Mr. David Watson; Director of Inspectional Services, Mr. Michael Byrne; Town Manager, Mr. Adam Chapdelaine; Conservation Commissioner, Ms. Catherine Garnett; Attorney, Ms. Nancy Flynn-Barvick; Master Plan Implementation Committee Member and Land Development Professional, Mr. Charles Kalaskas; Zoning Board of Appeals Vice Chair, Mr. Christian Klein; Director of Planning, Ms. Jennifer Raitt; Town Meeting Member, Mr. Stephen Revilak; MPIC Member and Land Use Professional, Mr. Ralph Willmer; and Assistant Planning Director, Ms. Laura Wiener.

⁴Of note to this Office’s analysis, RKG Associates includes the services of Robert Ritchie, Esq., one of Massachusetts’ foremost legal authorities on zoning. Attorney Ritchie’s career includes serving for more than a decade as Chief of the Attorney General’s Municipal Law Unit (the same arm of the AGO that reviews and approves bylaw amendments under c. 40A) and 15 years as the Town Counsel of Amherst. Attorney Ritchie, along with RKG’s Robert Mitchell, FAICP, author the *Massachusetts Guidebook for Planning & Zoning*.

It is my understanding that some residents and stakeholders have expressed concerns over the pace of the process and their opportunity to review the proposal in advance of the February 12, 2018 Special Town Meeting. While I am sympathetic to the sense that the volume of change in a core regulatory ordinance is substantial, it is also my understanding that even relatively straightforward substantive changes were tabled in favor of a recodification draft that would restate the present parameters of zoning in Arlington in a clearer, more user-friendly and adaptable manner. Hence, while the number of changes may be high, they are circumscribed in scope and nature.

Moreover, the development process summarized above matches or exceeds similar recodification efforts over the last ten years completed or ongoing in diverse towns including Braintree, Canton, Framingham, Foxborough, Holbrook, Lennox, Lexington, Lynnfield, Medway, Middleborough, Northborough, Northfield, Tewksbury, Wenham, Weston and Winchester. As such, it is my hope that discussion of the proposal before you will focus on whether or not the product of the Working Group accomplishes what it set out to accomplish – a cleaner, more accessible and flexible version of the rules which may be well-used to maintain or change policies that address Arlington’s substantive development issues and concerns over the next forty years.

Limitations and Value of the Proposal for Future Policy Decisions

The fifty-six (56) page Guide to Arlington Zoning Bylaw Recodification addresses every section, amendment, and purpose of amendment in the Proposal. However permit me to note where in my view, because the scope of recodification has been deliberately restricted, there is much debate to be had, and work to be done in the near future.

Foremost, several Zoning Bylaw provisions could not keep pace with significant changes in broader law using only modest corrections or restatement of in different language. The most obvious example is found in our sign regulations, which in the wake of the Supreme Court's decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) contain what are likely constitutionally invalid provisions. RKG recommended changes to the sign bylaws, as well as other provisions which presented more subtle legal concerns than outright invalidity (such as the Dover Amendment example highlighted above). Yet in hearing the clear and strenuous desire of the public to keep the scope of this phase of recodification limited to form, the Working Group's judiciously determined that those changes could not be accommodated without making meaningful policy changes. As such, those areas of the Zoning Bylaw which require debate and redress in order to avoid legal complications (all of which pre-date recodification) should be addressed as soon as practicable.

Furthermore, as the Board well knows, there continues to be significant discussion and debate about a host of substantive issues in zoning, planning, and development in Arlington, particularly centered on housing and business growth. For the Board's reference, attached hereto is a now 12-year old article from Commonwealth Magazine: "*Arlington is a Case Study on How Growth has Become a Dirty Word in the Boston Area*" (Attachment "D"). I provide the article, which carries a clear perspective, not to endorse the opinions or conclusions of its author, but to provide context. On one hand, as illustrated in the piece, many of the concerns of the 1970s, 1980s, and 1990s persist, as one might expect in a well-located suburban community. On the other, some issues have changed dramatically, and/or the regulatory framework which evolved to address many of those concerns no longer stymies the volume of development in Arlington as perhaps it once did.

Thus, the Recodification Proposal before you should not be seen as an instrument for or against a specific perspective or vision for land use and development in Arlington. Rather, it should be seen as a valuable opportunity to provide a better vehicle for the ongoing debates central to Arlington's future. These debates are happening now and will continue to present choices for the community. Whether the Town maintains and enforces the status quo, adopts and engages in new development philosophies; does not change, or changes slowly or rapidly; the Recodification Proposal will better serve the Town's residents, officials and Town bodies that implement the Bylaws, and future generations.

ATTACHMENT “A”

[illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* strain on the transformation efficiency of *Agrobacterium* strain 101. The concentration of the *Agrobacterium* strain 101 was varied from 10⁶ to 10⁹ cells/ml. The transformation efficiency was determined as the number of transformants per 10⁶ cells of the *Agrobacterium* strain 101. The data are the mean \pm SD of three independent experiments.

100

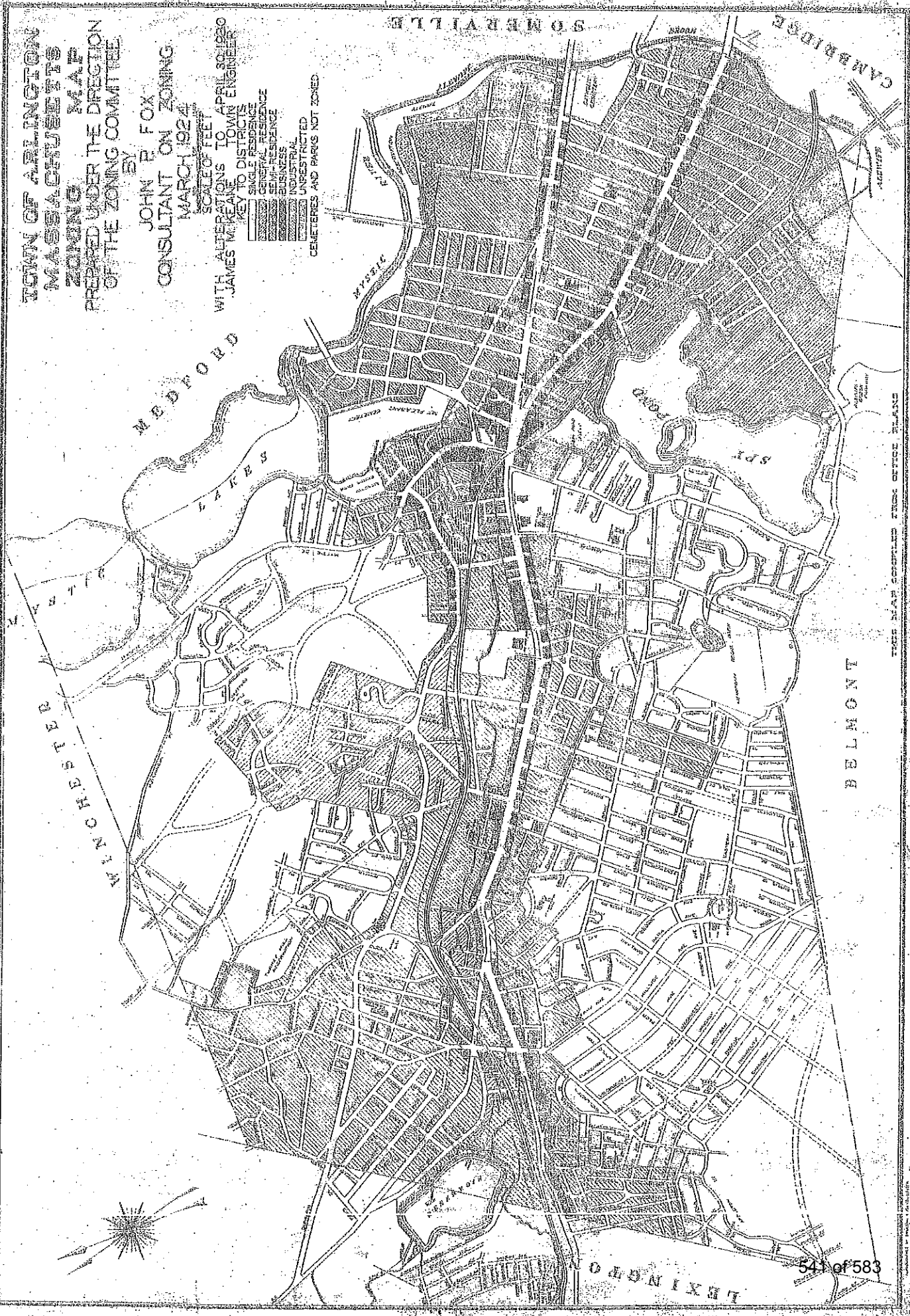
[illegible]

...the ... of ...

**TOWN OF ARLINGTON
MASSACHUSETTS
ZONING MAP
PREPARED UNDER THE DIRECTION
OF THE ZONING COMMITTEE**

**BY
JOHN E. FOX
CONSULTANT ON ZONING
MARCH 1924
SCALE OF FEET**

WITH ALTERATIONS TO APRIL 30, 1930
JAMES M. KEANE, TOWN ENGINEER
KEY TO DISTRICTS
GENERAL RESIDENCE
SINGLE RESIDENCE
SEMI-RESIDENCE
BUSINESS
INDUSTRIAL
UNRESTRICTED
CEMETERIES AND PARKS NOT ZONED



ATTACHMENT “B”

ZONING BY-LAW
for the
TOWN OF ARLINGTON
MASSACHUSETTS

as amended to
OCTOBER 15, 1954

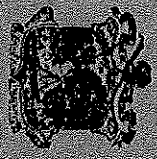


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ZONING BY-LAWS FOR ARLINGTON, MASSACHUSETTS

DISTRICTS

Section 1. Establishment of Districts

For the purposes of this by-law, the Town of Arlington is hereby divided into districts of six classes, to be known as:

1. Residence A Districts
2. Residence B Districts
3. Residence C Districts
4. Business A Districts
5. Business B Districts
6. Industrial Districts

Said districts are as shown, defined and bounded on the Map accompanying this by-law, entitled "Town of Arlington, Massachusetts, Zoning Map, prepared Under the Direction of the Planning Board", dated March 1946, signed by the said Board, or as thereafter amended, and on file with the Town Clerk. Said Map and all explanatory matter thereon are hereby made a part of this by-law.

Section 1-A. District Boundaries

The location of the boundary lines of the districts shown upon the Zoning Map shall be determined as follows:

1. Where the boundary lines are shown upon said map within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.
2. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.
3. Boundary lines located outside of such street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines; and figures placed upon said map between such boundary lines and street lines are the distances in feet of such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.
4. In all cases which are not covered by the other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, or, if distances are not given, then by the scale of said map.

5. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Zoning Board of Appeals, as provided in Section 4.

ADMINISTRATION AND ENFORCEMENT

Section 2. Enforcement

1. This by-law shall be enforced by the Inspector of Buildings appointed under the building code of the Town of Arlington, and no permit shall be granted for the construction, alteration, re-location or use of any building or structure, if the building or structure as constructed, altered, re-located or used would be in violation of any provision of this by-law. Whenever such permit or license is refused because of some provisions of this by-law, the reason therefor shall be clearly stated in writing.

2. If the Inspector of Buildings shall be informed, or have reason to believe, that any provision of this by-law has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If he shall find any such violation he shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and order that any use of any building contrary to the provisions of this by-law shall immediately cease.

3. If, after such notice, the premises are continued to be used in a manner contrary to the provisions of this by-law, or if any such owner or occupant shall fail to obey any lawful order of the Inspector of Buildings in respect to any violation or use contrary to the provisions of this by-law, the Inspector of Buildings with the approval of the Board of Selectmen may, and if required by them shall, institute appropriate legal proceedings to enforce the provisions of this by-law or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this by-law.

Section 3. Occupancy Permit

1. No building hereafter erected, altered substantially in its use or extent or relocated shall be used, and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the

proposed use of the land and building and all accessory uses comply in all respects with this by-law and no use shall be made of such land or building that is not authorized by such occupancy permit.

Section 4. Zoning Board of Appeals

1. A Zoning Board of Appeals is hereby established, to consist of three members to be appointed by the Board of Selectmen. All members of said Zoning Board shall be residents of the Town of Arlington, and one member shall be an Attorney-at-Law, and at least one of the remaining members shall be a registered architect or a registered civil engineer. The appointments first made shall be for the term of one, two, and three years respectively, so that the terms of one member shall expire each year. All subsequent appointments shall be for the term of three years. When the appointments are first made the Board of Selectmen shall also appoint two associate members for the term of two years each, such as- sociate membership to be appointed every second year. No member shall act in any case in which he shall be interested, and in case any member or members shall be so disqualified, or because of absence from the town, or any other cause, he or they shall be unable to act, the remaining member or members shall, in a written statement, filed with the secretary, so certify, and name an associate member or members to act upon the particular matter. Whenever said associate member or members shall serve, he or they shall have all the powers conferred upon a regular member. If two or more members are absent or disqualified, the Board of Selectmen may appoint substitutes to act during such absence or disqualification. The said Zoning Board of Appeals shall organize yearly, choosing a chairman and a secretary.

2. The Board shall adopt rules, not inconsistent with the provisions of the by-laws of the Town, for conducting its business and otherwise carrying out the purposes of the Zoning by-laws. Meetings of the Board shall be held at the call of the chairman, and also when called in such manner as the board shall determine in its rules. Such chairman, or in his absence the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public. The Board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of all of which shall be immediately filed in the office of the town clerk and shall be a public record, and notice of decisions shall be mailed forthwith to parties in interest as hereinafter designated.

3. Any person aggrieved by the refusal of the Inspector of Buildings to issue a permit or license on the grounds of noncompliance with the Zoning by-Laws may appeal to the Zoning Board of Appeals as provided in Chapter 40 of the General Laws and any amendments thereto.

4. No appeal or petition and no application for a special exception to the terms of this by-law which has been unfavorably acted upon shall be considered by the Zoning Board of Appeals within two years after the date of such unfavorable action except with the consent of all the members of the Planning Board.

5. Any person or persons desiring to obtain the permission of the Zoning Board of Appeals for any purpose for which such permission is required under the provisions of this by-law shall make application in writing therefor to the Zoning Board of Appeals which shall, within a reasonable time, hold a public hearing thereon, seven days' public notice of which shall be given.

6. The Zoning Board of Appeals shall also, at least ten days prior to the hearing, send or deliver written notice to all the owners of real estate opposite to or abutting on the property in connection with which any permission is sought, and to such others as the Zoning Board of Appeals may order or by regulation prescribe, and shall, at least ten days before the hearing, post a notice of the hearing, upon the property in a conspicuous location, adjacent to a street on which the property is situated, stating the nature of the petition in connection with which permission is sought. A copy of this notice shall be posted on the Bulletin Board at the Town Hall.

7. In the case of an appeal involving a change in use of land or building the Zoning Board of Appeals shall hold a joint meeting with the Planning Board to discuss the matter, preferably before the date of the public hearing or in any event before final action is taken by the Zoning Board of Appeals.

Section 4-A. Exceptions and Variances

1. The Zoning Board of Appeals may on petition, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with its general purpose and intent, in the following cases:

- (a) It may permit in a Residence A District the alteration of a single family dwelling as a residence for not more than two families, provided that the external appearance of a single family dwelling be retained so far as reasonably practical.

- (b) It may permit in a Residence A District or B District a hospital, sanitarium or other medical institution.

- (c) It may permit the rebuilding, repair or extension of a non-conforming use as provided in Section 7, Paragraph 3.

2. The Zoning Board of Appeals may also authorize variances in particular cases as provided in Section 30 to 30A of Chapter 40 of the General Laws or acts in amendment thereof and in addition thereto. The grant of such variances may be of indefinite duration, or for periods not exceeding one year. Such temporary grants of variances may be renewed from time to time, except that in the case of a new building or of an addition to an existing building, the aggregate of the periods covered by such temporary grants and the extensions thereof shall not exceed two years.

Section 5. Amendments

1. A copy of every petition for the amendment, modification or repeal of this by-law, including the Zoning Map and the boundary lines of the districts thereon, and of every article submitted or to be submitted to the Selectmen for insertion in the warrant for any Town Meeting relating to any such amendment, modification or repeal, shall be filed with the Planning Board on or before the date when such article is submitted to the Selectmen for insertion in the warrant.

2. The Planning Board, upon the request in writing of not less than ten registered voters of the Town shall, or upon its own initiative may, hold a public hearing for the consideration of any proposed amendment, modification or repeal of this by-law, provided that where a petition is filed such petition shall show that copies of the petition have been sent by registered mail to all abutters of the land referred to in the petition. The Planning Board shall report to the Town Meeting its recommendations with respect to the action to be taken thereon. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town, the first publication to be not less than ten days before the date assigned for the hearing.

3. No action shall be taken at any Town Meeting upon any proposed amendment, modification or repeal of this by-law unless a public hearing has been held thereon in the manner prescribed in the preceding paragraph, and the recommendations of the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board to the Town Meeting; and no amendment, modification or repeal of this by-law shall be made except by two-thirds vote of a town meeting.

4. No proposed amendment to this by-law which has been unfavorably acted upon by the Town Meeting shall be considered on its merits within two years after the date of such unfavorable action unless the adoption of such an amendment is recommended in the final report of the Planning Board required by Section 27 to 27A of Chapter 40 of the General Laws.

GENERAL PROVISIONS

Section 6. Definitions

1. Unless otherwise expressly stated, the following terms shall for the purpose of this by-law, have the meanings indicated.

2. Words used in the present tense include the future. Words used in the masculine gender include the feminine and neuter; and in the feminine or neuter, the masculine. Words used in the singular number include the plural; and in the plural, the singular. "Lot" includes "plot", "building" includes "structure"; "occupied" includes "designated or intended to be occupied"; and the "used" includes "designated or intended to be used".

"Accessory Use"--Is the use of a building or premises for a purpose customarily incidental to a use permitted in the district in which it is located.

"Alteration"--A change in a building which modifies its location, plan, manner of construction or the kind of materials used or in any way varies the character of its use.

"Apartment"--A portion of a building used as a dwelling by one family.

"Apartment House"--Any building containing three or more apartments.

"Basement"--That part of a building which has more than one-half of its clear height below the level of the finished grade.

"Boarding House (Home)"--A house in which a regular service of meals is furnished for persons for a remuneration.

"Building, existing"--A building already erected upon the effective date of this by-law.

"Building, new"--A building erected after the effective date of this by-law.

"Building, line"--The line established by law, beyond which a building shall not extend, except as specifically provided by law.

"Commercial Vehicle"--Any truck, tractor, cart or wagon, whether or not marked to indicate a business use, as well as any passenger car on which is painted or otherwise permanently affixed any writing to designate the business use or affiliation of the said car in the business, profession or occupation of the owner or user, shall be deemed to be a commercial vehicle for the purposes of this by-law.

"Corner lot"--Is a lot at the junction of and fronting on two or more intersecting streets or ways. Only that portion of the lot having a frontage on any one street of 150 feet or less shall be considered a corner lot. On a corner lot the front yard set back requirements must be complied with on each street.

"Court"--An unoccupied space other than a yard, inclosed on three or more sides and on the same lot as the building, but open to the sky, unobstructed by roof, sky-light or other appendages. A court which extends to the street, rear yard, front yard or side yard is an "Outer Court", a court that does not thus extend is an "Inner Court".

"Duplex House"--Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.

"Dwelling"--A house or building or portion thereof which is occupied by one or more families doing their cooking on the premises.

"Family"--Is a number of individuals living together as a single housekeeping unit and doing their cooking upon the premises.

"Front Yard"--Is a space across the full width of the lot and extending from the front line of the building on such lot to the front line of such lot.

"Frontage"--The front part of a building or lot abutting on a public or private way. A corner lot fronts on the street on which it is numbered.

"Garage"--Any building, or part thereof, wherein is kept or stored one or more motor vehicles, or wherein the painting, repairing or greasing of motor vehicles is performed.

"Garage, private"--A garage in which no business or industry connected directly or indirectly with motor vehicles is carried on and in which only passenger cars are housed.

"Gross Floor Area"--The gross floor area of a building is the total area of all floors, including basement and mezzanines, measured to the exterior walls of the building, and including partitions, stairhalls, corridors and covered porches.

"Half Story"--Is any story which is under a sloping roof, where the point of intersection of the tops of the rafters and the face of the wall is less than three (3) feet above the floor level.

"Height of Building"--Is the vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining the building, excluding penthouses, bulkheads and other allowable superstructures above the roof.

"Lot"--Is the parcel of land on which a Principal building and its accessories are placed, together with the required open spaces.

"Lot Line"--Is a division line between adjoining properties or a division line between individual lots established by a plan filed in the Registry of Deeds or Land Court.

"Occupancy"--Use or occupancy of a building, character of use, or designated purpose of a building or structure or portion thereof.

"Penthouse"--Is a small structure built upon the roof.

"Rear Yard"--Is a space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot.

"Rooming or Lodging House"--A house in which a business is made of renting rooms.

"Sanatorium or Sanitarium"--An establishment for the reception and treatment of invalids or convalescents where conditions are favorable and beneficial to the patient.

"Side Yard"--Is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located.

"Story"--That part of a building between any floor and the floor or roof next above.

For the purpose of this by-law, where a building is not divided into stories, a story shall be considered fifteen feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four feet, six inches above the average finished grade, shall be a story within the meaning of this by-law.

"Street Line"--The dividing line between a street and a lot.

"Two-Family House"--Is a house containing two apartments, in which part of an apartment is over part of the other apartment. (See Duplex House.)

Section 7. Non-Conforming Buildings and Uses

1. This by-law and any amendment thereof shall not apply to buildings existing at the time of its taking effect or to the existing use of buildings or land.

2. If any building existing at the time this by-law takes effect is then legally used in whole or in part for a purpose for which a new building may not be constructed or used under the provisions of this by-law, this by-law shall not prohibit the changing of such use of such building or part to a use which is not substantially different from the existing use, provided the building is not altered structurally and provided further that the new use is not prohibited in the most restricted zone in which the present use would be permitted. However, no non-conforming use which is changed to a conforming use shall be permitted to revert to a non-conforming use.

3. Any building or part of a building which, at the time of the adoption of this amendment, is being legally put to a use not conforming with the regulations of the district in which it is situated may continue to be used for the same purpose or for purposes not substantially different, and may be repaired, but no nonresidential building, if destroyed to the extent of 75% of its value above the foundation, shall be rebuilt for non-conforming use. No non-conforming building shall be extended or enlarged except by permission of the Zoning Board of Appeals. The Zoning Board of Appeals may grant permission if such rebuilding, extension or enlargement would be in harmony with the general purpose and intent of this by-law, and not otherwise.

Section 8. Use of Land

The use of land for any purpose other than those specifically provided for in these by-laws is hereby forbidden. No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws,) except by permission of the Zoning Board of Appeals, such permission being obtained in accordance with the procedure provided in Section 4 and only when such permission would be in harmony with the general purpose and intention of this by-law and under such conditions as the Zoning Board of Appeals may impose. However, nothing contained in this section, or any amendment thereof, shall prevent the continued use of any land for the purpose for which it is legally being used at the time this section or any amendment thereof takes effect.

Section 9. Restrictions Affecting All Districts

No new building or part thereof shall be constructed or used, and no premises shall be used, and no building or part

thereof shall be altered, enlarged, reconstructed, or used under the conditions designated as (a) and (b) of this section in any part of the town.

(a) For any purpose which by the emission or discharge of fumes, vapor, gas dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the public health or safety.

(b) For any purpose which would be for any reason injurious to the health, safety, morals or welfare of the community or harmful to property therein.

Section 10. Access and Parking for Business and Industrial Buildings

No driveway or other means of access for vehicles other than a public street and no parking space for private automobiles or commercial vehicles shall be maintained or used in any residence district to serve business or industrial buildings located in a business or industrial district.

Section 11. Corner Clearance in Residential Districts

Between the property lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

Section 12. Reduction of Lot Area

No lot on which is located any building used for residence purposes in any district shall be reduced or changed in area or shape so that the building or lot fails to comply with the provisions of this by-law. This Section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.

Section 12-A. Location of Private Garages

Private garages shall be located not less than five feet from any other building except that such garages of first or second class fire protected construction may be located adjacent to any other building.

RESIDENCE A DISTRICTS

Section 13. Use Regulations

In the Residence A districts, no new buildings or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purposes:

(b) Any purpose except one or more of the following:

1. Single family detached dwelling house
2. Physician's (M.D.) office in residence
3. Farm (except the raising of livestock or poultry) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question.
4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage for not more than two cars.
5. Church, school (except a music, dancing or riding academy) library or museum, hospital, sanatorium (or other medical institution) or a public utility building, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Sections 4 and 4A. In no case, however, shall a public utility building be used for the general garaging or dispatching of automobiles or for the storage of materials for construction or maintenance purposes.
6. Storing or keeping, for more than four hours, of a commercial vehicle within an accessory garage for not more than two cars and which garage, except for storing or keeping of the vehicle in question, would be a private garage.

Section 13-A. Area Regulations

1. Lot Area. In the Residence A districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, stables and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved, so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence for a single family.

2. Building Area. No one-story house shall have a floor area of less than 700 square feet. No house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

Section 13-B. Height and Area Regulations

The height and area regulations in the Residence A district are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE B DISTRICTS

Section 14. Use Regulations

In the Residence B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:
 - 1. Any use which is permitted in a Residence A district.
 - 2. Two-family or duplex houses.
 - 3. Such accessory purposes as are customary or usual in connection with two-family or duplex houses and are incidental thereto, including a private garage for not more than two cars.

Section 14-A. Area Regulations

1. Lot Area. In the Residence B districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence.

2. Building Area. (a) No one-family, one-story house shall have a floor area of less than 700 square feet. No one-family house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

(b) No duplex house shall have a floor area of less than twice that required for one-family buildings, as stated in the preceding paragraph.

(c) No two-family house shall have a floor area of less than 700 square feet per family unit, including stairways.

Section 14-B. Height and Area Regulations

The height and area regulations in the Residence B districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE C DISTRICTS

Section 15. Use Regulations

In Residence C districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:
 - 1. Any use which is permitted in a Residence B district.
 - 2. Apartment House
 - 3. Boarding house or lodging house
 - 4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-A. Building Coverage and Court Regulations

1. In the Residence C districts, no building or buildings including garages shall be constructed, altered, enlarged, re-

constructed or moved in such a way as to cover more than 35 per cent of the area of the lot for a building five stories in height, more than 40 per cent for a four-story building, or more than 50 per cent for a building of three stories or less.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 25 feet or two-thirds the average height of the walls surrounding the court, whichever is the greater. In no case shall an outer court have a depth greater than its width unless such width exceeds 50 feet, in which case the maximum depth permitted shall be one and one-half times the width.

Section 15-B. Parking Spaces

In the Residence C districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment, accessible and usable spaces to be available in the ratio of at least 250 square feet of such space (open or covered) for each dwelling unit in each such structure. Said off-street parking spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-C. Height and Area Regulations

The height and area regulations in the Residence C districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto. Single and two-family houses constructed in a Residence C district shall be required to conform to the minimum area and yard requirements of the Residence B districts.

RESIDENCE D DISTRICTS

Section 15-1. Use Regulations

In Residence D districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence A district.

2. Apartment House

3. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-2. Building Coverage and Court Regulations

1. In the Residence D districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 35 per cent of the area of the lot.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 50 feet. In no case shall an outer court have a depth greater than one and one-half times its width.

Section 15-3. Parking Spaces

In the Residence D districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment, accessible and usable spaces to be available in the ratio of at least 250 square feet of such space (open or covered) for each dwelling unit in each such structure. Said off-street parking spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-4. Height and Area Regulations

The height and area regulations in the Residence D districts are hereby established as follows:

Height 50 feet--four stories	
Front yard min. depth in feet	35 feet
Side yard min. width in feet	25 feet
Rear yard min. depth in feet	25 feet
Maximum occupancy in per cent	35 per cent

Single family houses constructed in a Residence D district shall be required to conform to the minimum area and yard requirements of the Residence A districts.

Where a building faces one or more streets, each such face shall be considered the front in determining set back requirements.

(As amended by creating this additional district, and adding Sections 15-1 to 15-4, inclusive)

BUSINESS A DISTRICTS

Section 16. Use Regulations

In the Business A districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land may be used for any purpose except one or more of the following:

- (1) Any purpose which is authorized or may be permitted in the Residence C districts
- (2) Restaurant or other eating place
- (3) Store, salesroom, or showroom for the conduct of retail business
- (4) Public or semi-public building
- (5) Barber shop or beauty parlor
- (6) Funeral home
- (7) Office or bank
- (8) Public garage or gasoline filling station, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 or 4A.
- (9) Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

Section 16-A. Building Coverage and Court Regulations

In the Business A districts, all buildings used for residential purposes shall conform to the building coverage and lot regulations as set forth in Section 15-A for a Residence C use or Section 14-A for a Residence A or B use.

Section 16-B. Height and Area Regulations

The height and area regulations in the Business A districts are hereby established as set forth in the Schedule of

Height and Area Regulation" attached hereto. All buildings in the Business A districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B and C districts.

BUSINESS B DISTRICTS

Section 17. Use Regulations

In the Business B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land may be used for any purpose except one or more of the following:

- (a) Any purpose which is authorized or may be permitted in the Residence C or Business A districts
- (b) Theatre, hall, club, or other organization, dancing academy or other place of amusement or assembly.
- (c) Such industry, trade or light manufacturing as is customary or usual in connection with, or is part of, any of the purposes authorized or permitted under the provisions of this Section and is incidental thereto. If such industry, trade, or light manufacturing is carried on in the same building or on the same premises as the business or use with which it is connected, provided, however, that no industry, trade or light manufacturing shall be carried on in a business district which is prohibited or not authorized in the industrial districts, or is dangerous to the neighborhood from fire, explosion or other cause.
- (d) The total floor space which may be used for industry, trade or light manufacturing on any one lot or on adjoining lots if part of the same establishment, shall not exceed a total area of two thousand square feet, unless permission of the Zoning Board of Appeals is obtained in the manner provided in Section 4 and 4A for the use of such additional specified floor space as they shall find is reasonably necessary for the conduct of the business.

Section 17-A. Building Coverage and Court Regulations

In the Business B districts, all buildings used for residential purposes shall conform to the building coverage and court regulations as set forth in Section 15-A for Residence C districts, except that inner courts shall be permitted. The minimum horizontal dimension of such courts shall be 25 feet or

two-thirds the average height of the walls surrounding the court, except in the case of courts which provide light and ventilation only to bathrooms, halls, or other rooms not used for living or sleeping purposes, in which case the provisions of the Building Code only need apply.

Section 17-B. Height and Area Regulations

The height and area regulations in the Business B districts are hereby established as set forth in the "Schedule of Height and Area Regulation" attached hereto. All buildings in the Business B districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B and C districts.

INDUSTRIAL DISTRICTS

Section 18. Use Regulations

In the Industrial districts, buildings or land may be used and buildings may be altered or erected for any legal use except the following:

- (1) Abattoir and commercial slaughtering
- (2) Manufacture of corrosive, poisonous or malodorous acids and chemicals
- (3) Cement, lime, gypsum and plaster of Paris manufacture
- (4) Fertilizer manufacture. Fat rendering in manufacture of tallow, grease and oils
- (5) Glue, size and gelatin manufacture
- (6) Petroleum and Kerosene refining or distillation and derivation of by-products
- (7) Manufacture of explosives and the stores of explosives in bulk
- (8) Smelting and reduction of copper, tin, zinc and iron ores
- (9) Similar uses which are dangerous by reason of fire or explosion, or injurious, noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke wastes, refuse matter, noise, vibrations or because of any other objectionable feature.

- (10) A residence use for more than one family in a building used for an industrial purpose.

- (11) A yard for the storage or sale of used building or junk material

Section 18-A. Building Coverage and Court Regulations

In the Industrial districts, all buildings used for residential purposes shall conform to the building coverage and court regulations set forth in Section 17-A for Business B districts.

Section 18-B. Height and Area Regulations

The height and area regulations in the Industrial districts are hereby established as set forth in the "Schedule of Area Regulations" attached hereto. All buildings in the Industrial districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B districts.

EXCEPTIONS

Section 19. Height Exceptions

The height limitations as set forth in the foregoing schedule shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes.

Section 20. Lot Area and Width Exceptions

Minimum lot area and width requirements in Residence districts as set forth in Sections 13-A and 14-A, shall not apply to lots which prior to the passage of this by-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 feet 6 inches or 15 per cent of the lot width, whichever is the greater.

Section 21. Yard Exceptions

1. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet, and unenclosed steps, unroofed porches and the like, which do not project more than 10 feet in the front yard and five feet in the side yard beyond the

line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

2. In the Residence A and B districts, no building need be set back from the street line more than the average of the set backs of the buildings on the lots adjacent thereto on either side, a vacant lot or a lot occupied by a building set back more than 25 feet in Residence A district or more than 20 feet in a Residence B district being counted as though occupied by a building set back 25 feet and 20 feet respectively; but in no case shall any part of a building in a Residence A or B district be less than 10 feet from any street line.

3. In the Business districts, a rear yard shall not be required in the case of an interior lot running through a block from street to street when improved by a single principal building.

VALIDITY AND EFFECTIVENESS

Section 22. Validity

The invalidity of any section, paragraph or provision of this by-law, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provision of this by-law, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.

Section 23. Existing By-Laws Not Repealed

Nothing contained in this by-law shall be construed as repealing or modifying any existing by-law or regulation of the Town, but shall be in addition thereto, provided that, wherever this by-law imposes greater restrictions upon the construction or use of buildings than other by-laws or provisions of law, such greater restrictions shall prevail.

Section 24. When Effective

This by-law shall take effect upon acceptance by the Town and its approval by the Attorney General and publication according to law.


DISTRICT DESIGNATION	HEIGHT LIMITATION		YARD SPACES REQUIRED	MINIMUM
	FEET	STORIES		
RESIDENCE—A	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	See: Sections 20 & 21
RESIDENCE—B	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	Note: These front yards of 25 and 20 feet also apply
RESIDENCE—C	60	5	A—Front Yard B—Two Side Yards C—Rear Yard	NOTE: WHEN A LOT IS TO BE GOVERNED BY THE REQUIREMENTS OF THIS DISTRICT, THE DISTANCE BETWEEN THE FRONT AND REAR YARDS SHALL BE THE SAME AS THE DISTANCE BETWEEN THE FRONT AND REAR YARDS OF THE LOT.
BUSINESS—A	30	2	A—Rear Yard	NO BUILDING SHALL BE SET BACK FROM THE REAR YARD OF ANY OTHER LOT.
BUSINESS—B	60	5	A—Rear Yard	ALL OTHER DISTRICTS SHALL BE GOVERNED BY THE REQUIREMENTS OF THIS DISTRICT.
INDUSTRIAL	60	5	A—Front Yard B—Two Side Yards C—Rear Yard	ALL OTHER DISTRICTS SHALL BE GOVERNED BY THE REQUIREMENTS OF THIS DISTRICT.

ZONING BY-LAW (as amended to December 1, 1950)
SCHEDULE OF HEIGHTS AND AREA REGULATIONS

AREA REGULATIONS

FRONT YARD MINIMUM DEPTH IN FEET	SIDE YARD MINIMUM WIDTH IN FEET	REAR YARD MINIMUM DEPTH IN FEET	MINIMUM BUILDING AREAS AND COURT REGULATIONS	MAXIMUM LOT OCCUPANCY IN PER CENT	SIZE OF LOT	
					MINIMUM FRONTAGE WIDTH IN FEET	MINIMUM AREA IN SQUARE FEET
25	Two required 10 ft. each except to lots which prior to the passage of this By-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 1/2 feet or 15% of the lot width, whichever is the greater.	20	Section 13A-2	35	60	6000
20		But the rear yard need not be more than 20% of the full lot depth.	Section 14A-2, a & b	35	60	6000
15	Two required 10 ft. each. In no case less than 1/4 the height of building.	But in no case less than 1/2 the height of building	Section 15A-1 & 2	35 for 5 Stories 40 for 4 Stories 50 for 3 Stories	NOTE: This schedule covers Height and Area Regulations and is made part of the Zoning By-Law.	
None Required	None Required	10	Section 16A	All districts have other regulations, therefore it is essential to check the entire by-law for a full understanding of its requirements.		
None Required	None Required	10	Section 17A			
See: Section 21-3 For Exceptions			10 *			

THIS BY-LAW
ACCEPTED BY THE
TOWN OF ARLINGTON
MASSACHUSETTS
MARCH 1946



* Not required where abutting railroad track or railroad right of way

ATTACHMENT “C”

ABC

Arlington Business Community Study

Final Report

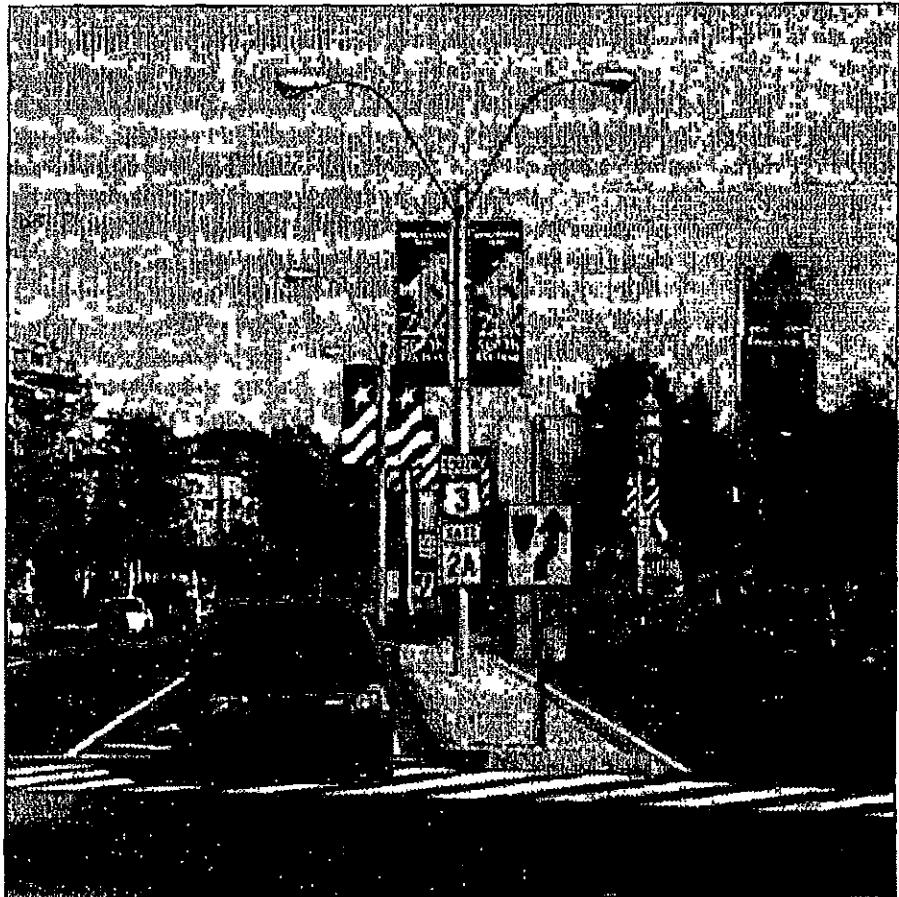
Technical Appendices:
Volume I

Prepared for:
The Arlington
Redevelopment Board
Town of Arlington, MA

Prepared by:
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BRF&G Consulting Group



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October 1995

ABC

The Arlington Business Community Study

MEMORANDUM

Date: November 29, 1994

To: Department of Planning and Community Development

From: Joseph Knight, CityDesign Collaborative, Inc.

Re: Zoning History Study, Evaluation, and Recommendations

Early Development (pre-1924)

Settlement Patterns

For most of the Town's history, up until the twentieth century, the area was primarily rural/agricultural; the area's market farms were an important source of produce for the city of Boston. The Mill Brook was the only source of (non-animal) power for the area and for this reason, small mills and other industries located along it for hydro-power.

Clearly, the most significant feature affecting development of the Town was the road which led east-west from Boston to Lexington and Concord: Massachusetts Avenue. As the principal road leading northwest from the urban hub, traffic volumes along this route were relatively high. This fact made Massachusetts Avenue attractive for commercial development, which requires accessibility and visibility for success.

The 1924 Zoning By-Law

To Control Future Growth

At the turn of the Twentieth Century, the Town of Arlington was experiencing phenomenal growth. By this time the Town was recognized as a transportation hub, primarily because of Massachusetts Avenue but also due to north-south cross routes and to rail and trolley bus access. Arlington's proximity to Boston, together with its charming rural New England ambiance, made it an attractive bedroom community as well. City fathers decided to establish the Zoning By-Law, one of the first in the Commonwealth, to establish control over this growth in order to maintain an orderly and pleasant quality.

Defined Basic Zoning Districts

The original By-Law identified five distinct zoning districts for the Town, from the very limiting Single Residence District to Unrestricted Districts which allowed any use that was not illegal. Each district carried a set of use allowances and dimensional restrictions.

The Arlington Business Community

Under the new By-Law, Massachusetts Avenue would no longer be considered a continuous commercial corridor. Instead, by using a mix of residential and business districts, the street would begin to take on a more residential character with commercial nodes of varying size (Center, village, and neighborhood). In truth, this trend had begun with the introduction of the Business C districts along Massachusetts Avenue in the early 1960's; the new By-Law formally recognized this urban design intention.

Also, unlike the old By-Law, the new zoning map eliminated the setback method of defining zoning corridors; as of 1975 all zoning boundaries were to fall on parcel boundaries or centerlines. Gone was the broad stroke of urban planning, a handful of district types laid out in a clear and comprehensible manner. It had been replaced with a seeming patchwork of numerous district types in a jagged cluster along the length of Massachusetts Avenue.

Evaluation and Recommendations

The intentions of the 1975 Zoning By-Law are very good. The Town could not realistically support as much commercial zoning as had been previously allowed, and the need to reduce automobile-oriented businesses is appropriate, as is the emphasis on pedestrian-oriented development.

If the goal is to encourage more commercial development along Massachusetts Avenue, yet remaining within the already defined Center/village/neighborhood concept, the desirability of parcels within the B5 and B3 districts needs to be addressed. It is our opinion that the B3 Districts have been defined too small for encouraging parcel acquisition usually undertaken for new development. We suggest that the inclusion of some adjacent properties into the B3 districts be studied.

Nearly half of Arlington Center commercial district is B3-Village and not B5-Center. No mechanism for enforcing new uses on old B4-Automotive parcels. Why not rezone when possible?

There may be a problem with perception. At first, the apparent patchwork of districts on the zoning map appears quite confusing and lacking structure. On analysis, however, the planning intentions of Center/ Village/Neighborhood nodes along Massachusetts Avenue becomes more clear. Likewise with the written By-Law; on first review, the typical user will most likely bypass the district concept statements at the front of the book and go straight to the allowed uses table, where the meanings of "B1" and "R4" are lost and only a "yes", "SP", or a blank has any significance. The solutions to this problem would not require any change in the substance of the current By-Law, only in its presentation. Hopefully, with the intentions of the By-Law made clear, potential developers would have more optimism towards proposals they would make.

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It is interesting to note that a given district allowed all uses that were allowed in "lesser" districts, i.e. Business Districts allowed anything that was explicitly allowed in Single and General Residence Districts; Industrial Districts allowed anything allowed in the Business District. Furthermore, the Semi-Residence District and the Business District allowed up to 2000 s.f. of use from the "higher" district, i.e. a parcel in the Business District could include up to 2000 s.f. of non-noxious industrial/light manufacturing use.

Fixed Established Patterns

The new By-Law did not impose any significant changes to the established land use patterns, nor was it intended to. The boundaries defined in 1924 were a clear reflection of development to date. Most of the Town was still somewhat rural and loosely settled, and these areas were established as Single Residence Districts. More densely settled residential areas in the East part of Town were identified as General Residence Districts. The Mill Brook Valley naturally was identified as an Industrial District. Massachusetts Avenue was naturally defined as a Business District, as were Arlington Center and a few areas along other, minor thoroughfares.

Defined Massachusetts Avenue As A Commercial Corridor

It is significant Massachusetts Avenue was established very literally as a business corridor. Very nearly the entire length of the street, from Cambridge to Lexington town lines, was defined as a Business District within offsets on both sides ranging from 100' to 200' feet in depth. There were some exceptions for public buildings and for some industrial uses at the west end. The "vision" of the day for Massachusetts Avenue was apparently of a fully-developed commercial thoroughfare over the full length of the street.

The 1946 Zoning By-Law

In 1945, the Zoning By-Law was rewritten in recognition of the diversity and complexity required for Town planning. The old district-types were renamed and more district-types were added to allow greater differentiation in development. The new By-Law included three types of Residence Districts (A, B, and C ranging from single residence to apartment houses), and two types of Business District (A and B), the former not allowing any theaters or clubs nor any amount of industrial/light manufacturing uses.

Same General Land Use Patterns

The new 1946 By-Law did not attempt to redefine the established settlement patterns which were fixed by the earlier 1924 By-Law. The new district types were located within areas that were previously zoned as the same general type: Residence-C areas were drawn from old General Residence areas to allow even higher density residential,

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primarily apartment houses. For the two business district types, Business A constituted the majority of the old 1924 Business District, primarily along Massachusetts Avenue, and Business B was drawn from the area around Arlington Center.'

Addressed The Growing Role Of The Automobile

Some provisions in the new By-Law explicitly addressed automobile uses and parking requirements. Both Business Districts allowed garages and gas stations (and by implication auto dealerships). At the time, the only required off-street parking was for apartment houses of three or more families (Residence C), which must be in a side or rear yard and at least 15' from the street line. All off-street parking in Residence Districts were for the exclusive use of residents and guests.

Amendments Up To 1970

Over the years, the 1946 By-Law was heavily amended in word, while the zoning boundaries changed little, except for the introduction of new district types within the bounds defined by older districts.

Residence D, E, and F Districts (introduced ~1950, ~1964, and ~1970 respectively) were added which would allow apartment houses on selected sites within old Residence A and B Districts, mostly in East Arlington. The new Residence C-1 District (~1962) allowed greater density and height than Residence C. Along Massachusetts Avenue, Business C Districts (introduced ~1965) were introduced which essentially down-zoned large sections of Massachusetts Avenue in East Arlington from Business A to the status of Residence C, with allowances for offices, public/semi-public uses, and funeral homes.

Many of the amendments between 1946 and 1970 dealt with more detailed site and dimensional control. New methods of defining height and setback restrictions were employed. For apartment houses, minimum requirements were established for landscape and recreational areas.

It was over these years that automobile use flourished and the By-Law was adjusted to handle this fact. By 1970, one off-street parking space was required for every new residential unit (1.35 spaces/unit in Residence F); parking in these areas was still for the exclusive use of residents and guests. Likewise, by 1970 all Business Districts required one off-street parking space for every 1000 s.f. of floor area, a decree that was waivable if circumstances were prohibitive.

Around 1962, amendments were added which limited the decades-old practice of allowing residential uses in Business Districts. No longer were any residential uses allowed in the Business B District, and only Residence C-1 type residential developments

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were allowed in Business A Districts. Note that three years later, the Business C District was introduced, which limited many formerly Business A Districts to offices and Residence C-1 type developments. Oddly enough, some forms of residence were still allowed in Industrial Zones.

The 1975 Zoning By-Law

By the early 1970's, the old By-Law was proving insufficient to allow Town planners to effectively manage growth. The 1975 Zoning By-Law marked a significant departure from the by-laws of the past, including all new district type definitions, new means of defining zoning boundaries, and new ways of identifying allowed or specially permitted uses.

All New And More Zoning Classifications

The old by-laws were defined by explicit statements of what were or were not allowed to be built in a given district. The new By-Law instead made clear the intention and purpose of a given district, and from this conceptual statement were derived the specific use and dimensional restrictions for that district.

Residential districts R1 through R4 were specifically neighborhood oriented, allowing non-apartment family residential units of increasing density. Residential districts R5 through R7 were zoned for apartment houses, again increasing in density. Business districts B1 and B2 were neighborhood oriented commercial areas, office and commercial respectively, intended for the preservation of the scale and feel of the neighborhood. District B3 was intended as a village commercial zone, encouraging a mix of commercial, pedestrian-oriented uses serving an area larger than a neighborhood, but smaller than the Town; East Arlington at Lake Street and Arlington Heights at Park Avenue are examples of these village areas. District B5 was the Central Business District, that is, Arlington Center; while still intended to be pedestrian oriented, B5 would allow larger-scale commercial developments than elsewhere in town.

Special Vehicular-Oriented Zoning

The 1975 By-Law specified the B4 District to be oriented towards vehicular related businesses: dealerships, service stations, repair, etc. The intention was to stop the proliferation of these types of businesses and when one would go out of business, attempt to replace them with more amenable uses. One other notable change in the By-Law regarding automobiles is the allowed use of residential parcels for commercial parking, if they are entered from an adjacent commercial area.

A New Concept Of Massachusetts Avenue

MEMORANDUM

Date: November 29, 1994
To: Development of Planning and Community Development
From: Joseph Knight, CityDesign Collaborative, Inc.
Re: Zoning By-Law Evolution

Source Material Timeline

MAPS:	1924	1946	1959	1969	1975	1994	
BYLAWS:	1924	1928	1946	1950	1962	1970	1993

1924 Zoning By-Law (First edition)

Single Residence Districts (≤ 3 stories or 45') ($\leq 40\%$ footprint, 15' setback - 7.5' sides)
detached single-family
churches, public and private schools and institutions (non-penal)
clubs
market gardens

General Residence Districts (≤ 3 stories or 45') ($\leq 50\%$ footprint, 10' setback - 5' sides)
Single Residence
double houses
row houses
boarding houses

Semi-Residence Districts (≤ 3 stories or 45') ($\leq 50\%$ of lot area for residential stories [1928: $\leq 80\%$ for corner lots; $\leq 60\%$ for all others w/ special conditions if lot depth $< 80'$ - up to 70%])
Single and General Residence
up to 2000 sf commercial (as in Business District)

Business Districts (≤ 4 stories or 60')
Single and General Residence
apartment houses, hotels
restaurants
retail stores
theatres and clubs
offices
public and semi-public buildings
places of business (list from "baker" to "undertaker")
public garages, gas stations
up to 2000 sf industrial (as in Industrial District)

Industrial Districts (≤ 4 stories or 60')
Single and General Residence, Business
anything else with exceptions (list from acetylene gas to yeast manufacturing)

Unrestricted (≤ 4 stories or 60')
anything not illegal

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1946 Zoning By-Law

Residence A Districts (lot front $\geq 60'$, lot area ≥ 6000 sf, gross floor area/story $\leq 35\%$, bldg. area ≥ 700 sf)

single-family detached
physician office in residence
market gardens
church, schools, etc.

[1970: requires one off-street parking for each unit, not in front yard]

Residence B Districts (dimensions same as A, w/ duplex and 2 family ≥ 700 sf/unit)

Residence A
2-family (flats) or duplex (side by side)

[1970: requires one off-street parking for each unit, not in front yard]

Residence C Districts (A and B uses conform to like dimensions; otherwise 5 stories

$\leq 35\%$ lot coverage, 4 stories $\leq 40\%$, ≤ 3 stories $\leq 50\%$)

Residence A and B
apartment houses
boarding houses

Parking: for exclusive use of residents and guests only, side or rear yards, $>15'$ from street line [1950: if 3+ families, requires 205 sf/unit off-street parking. 1962: 1 space/unit.]

[1950: Residence D Districts

Residence A w/ dimensions

apartment houses ($\leq 35\%$ lot area; $\leq 50'$ or 4 stories; front 35', side 25', rear 25')

exclusive parking, off-site, same requirements and restrictions]

[1962: Residence C and C-1 (same as C, but w/ 75' ht limit) Districts

apartment houses ($\leq 35\%$ lot area; 30% if ≥ 5 stories or 60'; landscaping and recreational area, including balconies, required as a proportion of gross habitable floor area (for Residence as well)); exclusive parking, off-site, same requirements and restrictions]

[1964: Residence E Districts

Residence B w/ dimensions

apartment houses (front 20', side 25', rear 40'; height $\leq 40'$ and 3 stories; ≥ 1250 sf/unit; similar landscaping and parking provisions)]

[1970: Residence F Districts

Residence B w/ dimensions

apartment houses (same parking requirements except for low-income and elderly public housing 1 parking/5 units; height and landscaping like C-1; front $(H+L)/6$ min 15', side $(H+L)/6$ min 20', rear $(H+L)/6$ min 40'; floor area ratio ≤ 3.0)]

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[1971 amendments:

*allows offices in existing buildings, w/ approval, parking requirement - 3 spaces per 1000 sf.
residential parking requirements - 1.35 spaces per 1 unit
minimum lot size for apartments = 20,000 sf; minimum frontage = 100']*

Business A Districts

Residence A, B, and C (conforming coverage)

restaurants

retail stores

public and semi-public buildings

barbers and beauticians

[1950: funeral homes]

offices

garages and gas stations

[1962: Excludes Residence A, B, and C; but includes Residence C-1

excludes dancing or any entertainment in restaurants unless permission

includes wholesale showrooms, laundries, dressmaking, parking lots

includes w/ approval garages and gas, hotel/motel, theatres, and ≤ 2000 sf industrial]

[1970: off-street parking required, one space/1000 sf floor area. Waivable.]

Business B Districts

Residence A, B, and C (Residence C coverage); Business A

theatres, clubs, etc.

≤ 2000 sf industrial

[1962: excludes any new residences, includes Business A uses;

*includes garages and gas; hotel/motel; places of amusement or assembly; printing/publishing;
electrical appliance, precision instruments, and misc. manufacture and repair, limited types of
warehouses. Cannot be open and within 200' of a residence district]*

[1970: parking requirements, same as Business A]

[1965: Business C District

Residence C-1 w/ dimensions

funeral homes, offices, public/semi-public buildings (≤ 3 stories or 40')]

[1970: parking requirements, same as Business A]

[1970: Planned Unit Development Districts (none on Mass Ave.)

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Arlington English Community Study

*apartment houses, hotels, motels; retail stores; wholesale showrooms; restaurants.
entertainment permitted; offices; public/semi-public buildings; customer service establishment
w/ permission; garage and filling stations, auto dealerships, parking lots
minimum lot area of 200,000 sf, setbacks, max 200' tall*

Industrial Districts

*anything legal except
list of noxious industries
residence for more than 1 family in an industrial bldg.
junk yard*

*[1962: off-street loading requirements for new construction over 8000 sf for stores, restaurants,
manufacturing and warehouse. Size: 12' x 25' x 14' tall. One berth for up to 20,000 sf, w/
additional for each 20,000 sf.]*

[1965: residences to conform to Residence B dimensions, parking and landscaping for E]

*[1965 and 1966 amendments: Signs and Advertising Device provisions limit projecting
and standing signs]*

[1970: parking requirements - 1 space per 1000 sf office, or 5000 sf other]

1975 Zoning By-Law with Amendments to 1993

R1 Single-Family District

R2 Two-Family District

R3 Three-Family District

R4 Town House District
some office, for preservation

R5 Apartment District - Low Density
small scale offices on arteries only

R6 Apartment District - Medium Density
smaller scale offices permitted

R7 Apartment District - High Density
same scale offices permitted

B1 Neighborhood Office District
1 and 2 family residences

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The Arlington Business Community Study

same scale offices
intended for preservation

B2 Neighborhood Business District
small retail and service for neighborhoods and pedestrians

B3 Village Business District
retail, service and office
convenience and comparison-goods shopping
pedestrian oriented
multi-use encouraged

B4 Vehicular Oriented Business District
for establishments requiring large amount of parking
vehicle sales and service, and gas stations
intended to down-zone as existing use changes

B5 Central Business District
in Arlington Center
retail, service, and office
provides for large-scale development
pedestrian oriented
multi-use encouraged

H Hospital District

I Industrial District
for manufacturing, etc.
traffic, noise, appearance, odor, etc.
discourages residential or retail business

T Transportation District
rights of way, open space, and air rights

PUD
large scale, multi-use development with approval

Parking:

Town or other gov't agency: allowed anywhere by special permit

Commercial off-street: special permit for R6, R7, B2, B3, B4, B5, PUD and I

Non-residential surface parking serving adjoining B3 or B5: any residential district with special permit

Residential surface parking for uses in adjoining district (w/ restrictions: any district with special permit

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Automotive uses, such as sales, rentals, accessories, repair, car washes, filling stations, and service stations are allowed only in B4, PUD and mostly in I.

heritage/arlingtonreports/zoning1.doc

ATTACHMENT “D”



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Arlington is a case study on how growth has become a dirty word in the Boston area



ALEXANDER VON HOFFMAN

Jan 1, 2006

SHARE

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Growth & Development Extra 2006

Local planning and building regulations that control new residential construction in Massachusetts have long had their critics. Zoning and related laws are seen as impeding the development of housing, particularly densely built multifamily housing, which low- and middle-income people can afford. By raising the cost of available homes, critics contend, residential building regulations contribute to economic and racial segregation in and between communities. In addition, they charge that restrictive local building regulations have been used to retard or reject projects that would allow the population to grow in areas closest to transportation nodes

571 of 583

and employment centers. The result has been increased metropolitan sprawl, as homebuyers have been forced to seek new homes in ever more remote places.

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But how did these restrictive zoning and building regulations come about? When did growth, which was once associated with prosperity and progress, become something to fear and suppress?

One way to answer these questions is to examine the history of housing regulation in one town, and there is perhaps no better candidate for such examination than Arlington. First, the way Arlington suddenly reversed its land-use planning and regulatory policies, in the 1970s, vividly illustrates a process that took place throughout the metropolitan area. Second, Arlington is significant because it is the kind of place that is pivotal to regional development. As an inner suburb of Boston, close to major centers of employment, Arlington is the type of locality that must accept high population density if the metropolitan area is to achieve efficient land use and settlement patterns. Its increasing unwillingness to do so illustrates the political obstacles that must be overcome if housing opportunities are to be expanded, sprawl is to be contained, and open space is to be preserved.

ZONING FOR GROWTH

The 5.5 square miles northwest of Boston that is now Arlington was originally a section of Cambridge known as Menotomy. The town became independent in 1867 and changed its name to honor the Civil War soldiers buried at Arlington National Cemetery. Originally a farming community, the town was home to the first gristmill in New England. In the 19th century, it added industries, such as manufacturing saws and harvesting the ice on Spy Pond. During the 20th century, Arlington evolved into a commuter suburb.

Like many changing communities, Arlington was quick to adopt a rudimentary and relatively unrestrictive zoning code. Instituting zoning on June 3, 1924, two days before the city of Boston adopted its first zoning ordinance, Arlington placed close to 90 percent of the town's land in two residential zones of approximately equal size. While both districts had a three-story (45-foot) height limit, the Single Residence District allowed only detached single-family houses (and institutional structures such as churches and schools), while the General Residence districts allowed two-family houses, row houses, and boarding houses. The rest of the town, mainly areas along its two transportation corridors—Massachusetts Avenue and the Boston & Maine Railroad line (now the Minuteman Bikeway)—was zoned for business uses, which included apartment buildings. Unlike later restrictions, however, Arlington's first zoning map essentially just described what already existed.



The 1960s brought an epidemic of bland "pillbox" apartments to Arlington.

After World War II, demand for housing boomed, spurred in part by the GI Bill, which encouraged the development of new homes for veterans returning from World War II and the Korean War. Over the next two decades, Arlington responded by encouraging developers who met the zoning code's relatively simple requirements. The permitting and business arrangements were

simple, even casual, and relied heavily on personal relationships. As Leon Lombard, a retired contractor who built 15 to 20 houses a year in the late 1950s and '60s, recalls, when he wanted to build a house, he would simply obtain a stock house design from an architect and go to Town Hall to ask the town engineer to draw him a plot plan. The town engineer would produce the plan on his own time, after work hours. Lombard would then take the plan and permit application to the building inspector, pay the required fee, and begin construction.

In addition to encouraging single-family houses, the town created several new districts zoned especially for apartment buildings. Given Arlington's proximity to Boston and Cambridge and later to the growing computer industry on Route 128, these buildings were particularly attractive to young couples and professionals. Town leaders, moreover, viewed apartments as a particularly attractive way to generate property tax revenues. "If Arlington is to increase its assessed valuation," declared town manager Edward Monahan, shortly after his appointment in 1953, "apartment houses will have to paper Arlington." By 1968 Arlington contained 112 apartment buildings of various sizes, and six of the largest property taxpayers in town were apartment house owners.

Despite town leaders' support for growth, and for apartments in particular, by the early 1960s, some residents began to turn against development. In 1961, owners of a large unoccupied tract between the Boston & Maine railroad tracks and Spy Pond persuaded town meeting members to rezone the land so they could build three five-story apartment buildings on the site. Saying they had been caught by surprise, the project's neighbors, led by two physicians, fought to overturn the decision. They were unsuccessful, but in February 1962 a coalition of neighborhood associations and local residents formed the town-wide Save Arlington Association, which pledged to fight a host of rezoning requests that were scheduled to come before town meeting later that year.

REFORMERS AND RESISTERS

The case made by the apartment rezoning opponents pre-figured the kinds of arguments that have been made to stop residential development in the Boston area and elsewhere in the United States ever since. On legal grounds, apartment opponents objected to "spot zoning," a violation of the postwar zoning principle that different land uses should be kept separate. (Both 19th-century development patterns and contemporary advocates of "smart growth" reject this notion.)

Opponents worried about overpopulation, and attendant ills such as traffic congestion. They countered the rationale that apartment buildings reduced property tax rates by arguing that the added cost of services—such as road maintenance, sewers, water supply, police, and trash removal—offset any reduction in taxes. And, like the enemies of growth often do today, Arlington's rezoning opponents of the early 1960s charged that the construction of flats would add to the school-age population and therefore raise the costs of schools. Finally, they objected that the buildings next to Spy Pond would ruin the view and recreational space, an early version of the environmental and open space arguments often used today.

The opposition drew from two main groups of residents. Some were upper-middle-class professionals who feared that continued construction of apartments would destroy the town's suburban character, which was more pronounced in the western parts of town farther from Cambridge and Somerville and closer to Winchester and Lexington. Other apartment fighters were middle- and working-class residents, most of them from East Arlington, a relatively dense area of two- and three-family homes where many of the apartments were being built.

After the anti-apartment group emerged in early 1962, builders withdrew nine petitions for rezoning. Over the next decade, builders, town officials and other town leaders sought ways to encourage apartment buildings without arousing significant neighborhood opposition. The town's 1962 comprehensive plan expanded the areas where apartments were permitted but, in deference to local residents, also called for the preservation of historic homes and neighborhoods. Following national trends, reformers acted to preserve local features they considered desirable by persuading the town to establish the Arlington Conservation Commission in 1966 and the Arlington Historical Commission in 1970. The latter body had the power to veto construction and demolition permits that involved exterior changes to structures deemed historically or architecturally significant. In addition, a desire to spur and shape development also led the town to create its first professional planning department in 1969 and to create the Arlington Redevelopment Board in 1972.

Initially, the new policies and bodies did little to slow down apartment construction in Arlington. Between 1962 and 1972, Arlington issued an average of 226 permits a year for units in multifamily structures. By 1970 more than a third of the town's housing units were in buildings of five or more. Moreover, the town's population had grown to 50,000, up from about 36,000 in 1930.

Many of the new apartments were in square- or rectangular-shaped, brick-clad, three-to-five-story buildings that contained 12 to 18 units. Because of the town's landscaping and setback regulations, which aimed to maintain open space and avoid congestion, the buildings were typically set back on their lots with a small lawn at the front and sides and sometimes a parking lot in the back. Built during the heyday of postwar modernism, the facades of these apartment blocks were devoid of ornament.

Much like the three-deckers constructed in the late 19th and early 20th centuries, these structures were inexpensive to build and maintain. And, just as the three-decker was disparaged as "Boston's weed" as it sprouted all over the region, these undistinguished buildings were looked down upon, their appearance likened to a "pillbox." In fact, opponents of denser development in neighboring Cambridge and other locales often invoked the specter of the "Arlington pillbox" in their anti-growth campaigns.

RULES AND RED TAPE

In 1973, apartment opponents finally gained the upper hand in town government. In March, pro-planning reformers Margaret Spengler and George Rugg waged successful sticker campaigns and replaced two old-line incumbent selectmen, who had maneuvered to keep Spengler and

Rugg off the ballot. Spengler's political base was in the League of Women Voters, an upper-middle-class reform organization, while Rugg had the support of anti-apartment leaders in middle- and working-class East Arlington.

(The two wings of the Arlington planning reform coalition did not see eye to eye on all issues, however. Three years later, the two groups split in a bitter debate over a proposed extension of the MBTA's Red Line from Harvard Square to Arlington Heights. Progressive-minded leaders—including members of the Arlington Redevelopment Board and the board of selectmen, led by Spengler—envisioned the subway as a means to revitalize Arlington's moribund commercial strips. But many of the town's blue-collar and white-collar middle-class residents, galvanized by the pastor of a Catholic church who feared safety problems near his church and an adjacent parochial school, successfully fought the subway they thought would bring urban congestion and crime to Arlington.)

During the campaign, both Spengler and Rugg supported the new Arlington Redevelopment Board, which had moved to regulate new apartment construction more strictly and was asking for a two-year moratorium on apartment buildings while it developed a new comprehensive zoning plan. A month after the election, town meeting approved the moratorium.

The new zoning bylaw, which passed in 1975, had 17 districts (as compared to 10 in 1967). It divided the long business and apartment house zone that ran along Massachusetts Avenue into smaller one-to-four-block districts categorized as business, low-, medium-, or high-density apartment house areas. Within these districts, the planners imposed more demanding requirements for new multifamily development, such as larger minimum lot sizes, lower height limits, and a minimum number of parking spaces.

Even if a developer were willing to meet the new requirements, he still had to run a gauntlet of new procedures. Under a new provision in state law, the regulations now made construction of three-family houses, townhouses, and apartment buildings contingent on a special permit issued by the Zoning Board of Appeals. Also in keeping with new state guidelines, the bylaw created two new "overlay" districts: a floodplain district, comprised of lowlands subject to seasonal or periodic flooding; and wetlands, defined as all land within 25 feet of any of the town's water bodies (including streams) or designated as having poor drainage. Before the Zoning Board of Appeals could grant a special permit in these areas, the town's conservation commission⁵⁷⁷, of 1583

state's Department of Environmental Quality Engineering (now the Department of Environmental Protection), and the state Department of Public Works (now the Massachusetts Highway Department) had to approve the application. In addition, the town's inspector of buildings, the board of health, the conservation commission, the town engineer, and the redevelopment board were required to submit their recommendations regarding the application.

Moreover, the new law obliged the developers of projects with eight or more dwellings in one or more buildings, along with developers of any project on the town's main street, to undergo another new procedure, "environmental design review." This process called on developers to address an elaborate set of goals, such as preserving the landscape, linking the new building to both built and natural environments, maximizing open space, draining surface water, placing utility services underground, promoting and respecting heritage, and curtailing any effect on the local "microclimate." As originally written, the zoning board of appeals supervised environmental design reviews, but within a few years the redevelopment board assumed control of environmental design review. In 1980 and again in 1998 the town added more thoroughfares to the list of places requiring environmental design review; in 1983, a public hearing was added to the process as well.

Not surprisingly, many developers stopped building homes, particularly multifamily homes, in Arlington. In the decade after the new zoning went into effect, in 1975, the town issued an average of 21 permits a year for units in multifamily structures, less than one-tenth of the 225 permits a year it averaged in the decade 1963 to 1973, when the moratorium took effect. In total, Arlington, which had issued permits for almost 3,000 dwelling units in the 1960s, issued only about 800 permits in the 1970s, roughly 600 in the 1980s, and only 66 permits in the 1990s.

NOT YOUR FATHER'S OLDSMOBILE

The case of Time Oldsmobile illustrates how the byzantine regulatory framework that has evolved in Arlington since the 1970s stymies development—and why Richard Keshian, a local attorney who was involved in the latest rounds, now says, "many only develop in Arlington once."

Located next to St. Athanasius Greek Orthodox Church, across the street from the historic Jason-Russell House and about a block from Arlington Town Hall, the site at the corner of

Massachusetts Avenue and Mill Street housed automobile-related facilities throughout most of the 20th century. In the 1980s, David Friedland, who owned the Time Oldsmobile dealership, set out to modernize the facility. With St. Athanasius suing because a proposed new roof would block a view of the church and round after round of public hearings drawing out opposition to a parking garage (at first three levels, then two), it took Friedland four years to get the Arlington Redevelopment Board to approve a plan for the site.

In 1997, the car dealership went out of business. The Osco Drug chain purchased the site and, in 1998, sought permission to raze the building and build a drugstore in its place. In 1999, after five public hearings, the redevelopment board rejected this proposal because, among other problems, it would increase traffic congestion. Osco appealed the decision to the Massachusetts Land Court, but two years later the appeal was denied.

Meanwhile, so many letters had fallen off the building's sign that it now read old bile and the building itself was slowly deteriorating. In August 2001 the building was demolished and tall weeds and a "For Sale" sign was planted at this conspicuous location.

In 2002, Brooks Pharmacies, which had purchased Osco Drug, concluded that the redevelopment board would never approve a drugstore on the site and hired Michael Collins, a local developer, to devise a politically, financially, and legally viable development plan for the site. Collins proceeded carefully. In June 2003, after extensive meetings with town officials and concerned neighbors and much work with financial consultants and architects, he put forward plans for a multi-building complex with 46 condominiums and underground parking. In keeping with a 2001 town bylaw requiring that 15 percent of new units in multifamily developments be affordable to moderate-income households, seven of the units were to be affordable.

The redevelopment board asked Collins to modify the plan to allow fire trucks onto the site, and in late August Collins showed the members a scaled-down proposal that reduced the number of total units to 32, with affordable dwellings down to five. Although zoning required an 18-foot setback, the architects fit the dwellings and the fire lane onto the site by setting the units nine feet from the sidewalk. To give first-floor residents privacy, they placed a low wall enclosing a small area of greenery around the houses. The plan also featured a courtyard with a gazebo, a landscape showpiece clearly visible from the Mass. Ave./Mill St. intersection. After meeting with

the board, Collins further revised the plan, and in October 2003 he filed for a special permit to build 35 condominiums in three buildings.

In November 2003, there was yet another public hearing. Members of the redevelopment board, which had earlier blocked a drugstore at the site, now asked if Collins could include retail space on the street. Several neighbors, including attorney John Worden, the longtime moderator of town meeting, objected that the project was not compatible with the Jason-Russell House, site of the bloodiest battle of the first day of the American Revolution. Worden also warned that unless he was satisfied, he would oppose the project, which Collins interpreted as a threat to challenge the permit in court.

Worden and other opponents never explained why the design of the housing project was inappropriate, considering that the commercial block on the other side of the intersection included a pizza parlor, copy shop, and real estate office. Worden's objection, for example, that "we don't do walls in Arlington" disregarded the three-foot-high wall that has long surrounded the Jason-Russell House.

Worried about the cost a long legal fight would incur, Collins, who by that time had bought the parcel from the Brooks Co., decided in March 2004 to shelve the multifamily housing plan and instead build nine two-family houses and one single-family house on the site. Since this was a "by right" use of the site, he did not have to go through the environmental design review process. In addition, since each building would be a one- or two-family house, he did not have to include any affordable housing units in the 19-unit development. The town's planners and members of the redevelopment board were bitterly disappointed, but they could not convince Collins to revert to his previous plan and risk a court challenge.

Arlington's shift from a casual pro-growth regime in the mid 20th century to a procedural and effectively anti-growth system in recent decades was hardly unique. During the late 20th century, municipalities throughout greater Boston turned strongly against development, adopting similar mechanisms—such as building moratoriums, special permits, environmental design reviews, and highly restrictive zoning laws—to control it.

These policies have had a profound impact upon the region's land-use and settlement

Meet the Author

Alexander Von Hoffman
Guest Contributor

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patterns. If the development policies of the past had persisted, developers could have responded quickly to changes in demand for homes, and in particular for apartments. As was the case in the trolley era, developers could have produced multifamily housing close to employment centers and/or transportation to them, where the demand was highest. Freer rein on production would likely have increased supply and lowered prices of dwellings beyond the levels that prevail today. Greater Boston might have generated more efficient land uses, circulation patterns, and distribution of population than it did. Such gains would have had their own costs, in the form of demolition of Victorian-era homes, change in the character and functions of neighborhoods, and perhaps the increased construction of certain types of buildings, such as pillbox or high-rise apartments, that many find unappealing.

Today, almost everyone believes we should respect the character of communities, protect the local environment, and save buildings considered historically significant. Yet the history of land-use regulation in Arlington shows that in pursuing these admirable goals, Massachusetts communities created a torturous process for approving new housing. Furthermore, local regulatory procedures have become vehicles for rampant parochialism, the opposite of the planning ideal of organizing metropolitan areas for the good of all. Given how far the regulatory pendulum has swung, it seems high time to craft and execute a public policy that restores the balance not only between communal controls and individual property rights but also between local and metropolitan interests.

Alexander von Hoffman is a senior research fellow at Harvard's Joint Center for Housing Studies. This article is based on a longer study of land-use regulation in Arlington that was funded and will be published by Harvard's Rappaport Institute for Greater Boston, Taubman Center for State and Local Government, and Real Estate Academic Initiative.

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DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

MASTER PLAN IMPLEMENTATION COMMITTEE

January 4, 2018

Andrew Bunnell, Chair
Arlington Redevelopment Board
c/o Department of Planning and Community Development
730 Massachusetts Avenue
Arlington, MA 02476

Re: Zoning Recodification Warrant Article for Special Town Meeting

Dear Mr. Bunnell and ARB members:

The very first recommendation of the 2015 Arlington Master Plan is to "Recodify and update the Zoning Bylaw." The Master Plan Zoning Audit (Appendix I) notes "Arlington's ZBL has accumulated...inconsistencies and duplication as it was amended over time. It also has provisions that may have been acceptable in the past but are not consistent with the Zoning Act, MGL c. 40A, or current case law." The Zoning Audit (Assessment) recommends a two-step zoning revision process: recodification first, followed by comprehensive zoning and map amendments to implement the policy objectives of the Master Plan, which noted that "Adding new tools to a deficient foundation is a prescription for problems."

The Master Plan Implementation Committee strongly supports Special Town Meeting Warrant Article 2, Zoning Bylaw Amendment / Recodification. The Master Plan Implementation Committee has played an integral role in the recodification process, by having two of its members, Charles Kalaskas and Ralph Willmer, on the Zoning Recodification Working Group. These members can attest to the efforts made to improve the overall ease of use of the zoning bylaw, while also assuring that no substantive policy changes exist between the current and the proposed zoning bylaw, except those required to bring the bylaw into compliance with state, federal and case law. Committee members went through the proposed changes through several draft documents to assure the alignment of the existing and proposed bylaw documents.

We believe that adoption of Article 2 will make the Town's zoning bylaw more accessible, understandable, and usable for the residents and businesses of Arlington. It will also make amending the bylaw in the future much easier to understand. We therefore support Article 2, and ask you to support it as well. We look forward to its favorable adoption, and then moving forward on more substantive zoning bylaw amendments that will bring the Town closer to the goals articulated in the Master Plan that was adopted in 2015.

Thank you for this opportunity to comment on the Special Town Meeting Warrant Article 2.

Sincerely,

A handwritten signature in cursive script that reads "Charles Kalauskas".

Charles Kalauskas, Chair
Master Plan Implementation Committee